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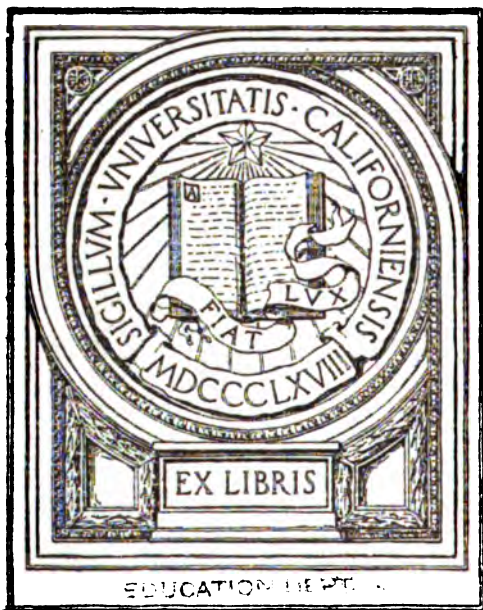
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IN MEMORIAM

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*A GROUPING OF SOCIAL FACTS
AND PRINCIPLES*

BY

JOHN BASCOM

AUTHOR OF "ETHICS," "SOCIOLOGY," ETC.

NEW YORK: 46 EAST FOURTEENTH STREET
THOMAS Y. CROWELL & COMPANY
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THIS VOLUME
IS INSCRIBED TO
EMMA CURTISS BASCOM,
WHOSE THOUGHTS ON ITS THEMES HAVE KEPT
COMPANY WITH MY THOUGHTS
THESE MANY YEARS.

541!05

PREFACE.

THE present volume is independent of the author's previous volume, entitled "Sociology." It is far more comprehensive, is for the most part diverse, and, so far as it offers the same material, presents it in a new form and in different relations. The volume is designed for the general student of Sociology rather than for the specialist. The references it contains are made both as giving authority and as drawing attention to co-ordinate, and often popular, discussions. The reader is not at liberty to infer, in each case, that the persons mentioned support the view of the author. As there are full bibliographies of Sociology, there has been no effort to add another. The book is both theoretical and practical. The problems discussed are offered for the sake of the principles involved in them, and the principles are urged for the sake of the problems which come under them. It is prompted by a progressive temper, and, it is hoped, will awaken, correct, and guide the same temper in others.

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INTRODUCTION.

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INTRODUCTION.

CHAPTER I.

CLAIMS OF SOCIOLOGY.

§ 1. SOCIOLOGY claims the attention of the thoughtful and the educated man for a variety of reasons. The other forms of knowledge derive much of their value, directly or indirectly, from their relation to social interests. Science puts a great variety of powers at the service of society, and the ultimate value of its discoveries depends chiefly on the manner in which they affect the relations of men one to another. If, like the invention of gunpowder, they tend to level down classes, or, like the invention of soap, to level up the habits of men, they become direct factors in that final, comprehensive product — the public welfare.

Art unites itself closely to science, extends and applies its powers, and puts them in most immediate ministration to society. The industrial classes will owe the degree in which they minister to men, and the measure of their own enjoyments, to the forms of labor which the useful arts assign them. The invention of the cotton-gin was a pregnant event in social states and changes. It strengthened the hold of slavery in America, and helped to revolutionize society in England.

Nor can philosophy lay upon itself any better labor

than that of a more penetrative and beneficent discussion of the rights of men, and of indicating the new dependencies which the progress of society makes possible and demands. We may well study Sociology, therefore, because, more than any other branch of knowledge, it gathers up and knits together our various attainments.

It also claims attention because the forms of action which pertain to conduct and character move forward toward fulfilment and harmony in society. The acquisition of wealth, good government, ethical law, and religious faith, all find their common field in society. Here they commingle, in fortunate or unfortunate results, according to the wisdom and good-will with which they are directed. Sociology is not simply a practical study; it is the sum and substance of practical interests, high and low, developed among men. What a man gets and does and enjoys, he must get, do, and enjoy in society. The law of all achievement is found in the elevation of men in that composite life they lead one with another.

An urgent reason why the patriotic mind should give Sociology speedy attention is found in the many social questions, of every degree of moment, which are being broached everywhere. They are answered, wisely or unwisely, by thousands, the answer looking to action. The framework of society is undergoing rapid changes in obedience to this thought. No man can excuse himself from taking part in these inquiries, any more than he can escape participation in their results. We cannot look forward to any large and general safety otherwise than through a just and generous response to these

manifold claims of men which are pressing upon us. Society must take to itself higher duties, achieve more complete organization, or lose by strife and disintegration some portion of the good already won. It is not a time in which indifference or negligence is at all bearable. Our boat is in the rapids, and we must answer at once for its safety.

§ 2. While the constitution of men and the forms of society present sufficient agreement to give occasion to general principles in Sociology, these principles are extremely variable in their practical uses. The particular stage of development, and the peculiar conditions of each community, define for it the economic and civic relations, and even the ethical duties, that are immediately pertinent to its wants. Every line of action, therefore, must stand connected with a definite set of circumstances on whose character its fitness depends. We shall discuss the principles of Sociology chiefly in connection with the phases of progress offered by our own and by English society. Our work, by this method, will at once be safer and more pertinent to our wants.

Society in England and in the United States presents, in its operative causes, an advanced development. Economic and civic forces are especially vigorous. A greater variety of social questions arise here than elsewhere, and they are answered more freely and more directly under the influence of the principles involved in them. Though we are always exposed to the danger of supposing our conclusions to be possessed of a wider application than belongs to them, we are not as likely to fall into this error in a community in which customs and national characteristics and familiar institutions count

for little, and a changeable social movement for much, in the determination of results.

Social forces are more active, and society is more fluent under them, here than elsewhere. Changes in families, in fortunes, in position, and in place, are our constant and universal experience. Hardly a town or village shows active influences to-day which are in the direct line of those of fifty years ago. The records of the earlier times are to be traced quite as much by the names on the tombstones as by those borne by the living. Influential families have declined or been dispersed, and new families with new interests have taken their place.

Fortunes are made and lost almost momentarily with us. We look with alarm, not on this fact, but on instances in which large wealth is retained through successive generations.

The following statement in the record of a city not more changeable than many others, indicates the ease and rapidity of our social transitions.

Year.	Number of leading manufacturers in Worcester, Mass.	Number who began as journeymen.	Number who were sons of manufacturers.	Number who failed.	Number who died or retired with property.	Number of sons who now have any property, or died leaving any property.
1840	30	28	2	14	14	3
1850	75	68	6	41	30	6
1860	107	101	6	43	60	8*

* *Quarterly Journal of Economics*, vol. ii. p. 448.

The variable success with which wealth is secured, the readiness with which it is lost, and the fluctuation of family fortunes, are here shown.

In no country is there a more ready and constant change of locality by its citizens than in the United States. These transfers loosen instinctive and customary tendencies, and leave more accidental, more voluntary, more thoughtful ones to take their place.

Needful as it is, in each instance, to understand the traditional influences at work in a community, a community in which these prevail, becomes, thereby, more exceptional in its history, and of less general interest. The preponderance, on the other hand, of those active social forces which are incident to growth makes a community increasingly instructive and typical in its social history. Fundamental tendencies are developed in it with less obstruction; they proceed more perfectly under their own laws; and we are able to pronounce on them with more insight and certainty. The simple rapidity of changes makes the connections of causes and effects much clearer.

CHAPTER II.

DEFINITIONS, DIVISIONS, PRELIMINARY FACTS AND PRINCIPLES.

§ 1. SOCIOLOGY is a knowledge of the facts of society, the order in which they follow one another, and their causes and reasons.¹ This knowledge may be more or less full, and we may regard it, therefore, as more or less nearly approaching a science. The three items of our definition imply, in the order in which they are given, a continuous growth toward complete, that is scientific, knowledge. We cannot well fail to be somewhat familiar with a portion of the facts of society. An extension of this knowledge is the first fruit of inquiry. The second fruit is an observation of the order in which these facts follow one another; and this, in turn, leads to the causes and reasons which occasion it.

Society is the intercourse of men in communities. It includes all the ways in which they act on one another, affecting their conscious life. A community, using the word broadly, has no definite limits. It may embrace few or many; it may have its centre in a single household, or it may coincide with the household of nations. It designates more frequently narrower relations between those close at hand. Intercourse will be varied and controlling in inverse ratio to the extension in number and

¹ "Province of Sociology," Prof. F. H. Giddings. "Annals of the American Academy," vol. i. no. 1.

in place of those who share it. Society may be affected not only by influences in their origin remote in place, but also by influences remote in time. Society is especially cumulative in its constructive forces. It is, therefore, the most comprehensive of those combinations we term organic. It is also one of the weakest in the dependencies which it embraces. Its forces come from far, and are frequently very feeble. Near and remote, controlling and secondary, influences are united in a very obscure and complex problem.

Society is unfolded along the lines of interaction between things and persons, causes and reasons. Its events, therefore, may be determined in their character and sequence both by causes and by reasons, in complex interaction one with another. Causes are the grounds of connection in physical facts, — are forces. Reasons are the grounds of connection between mental phenomena, — are influences. In a sequence of thought we term these influences reasons; in a sequence of feelings, occasions; in a sequence of actions, motives. Causes and reasons blend in every possible way in social phenomena, and are the double ground of their connection. Physical and mental states, by the intervention of the organized human body, act directly on each other. The impulse on the one side retains its physical character, and on the other side its intellectual character.

§ 2. Sociology is so exceedingly comprehensive that it seems to take to itself all forms of knowledge, as the ancients were ready to include in Rhetoric all the subjects which minister to persuasion. If we are to discuss Sociology successfully, we must limit our inquiry to those forms of action which are directly organic in

society, and which thus serve at any one time to determine its character. We must assume the material which these forces employ, as we assume in Physiology the facts of Physics and Chemistry. We are to busy ourselves directly with those processes which express the constructive energies of society, and to consider only indirectly those conditions which give terms to these processes. We have thus two sets of facts in Sociology: first, those which stand for immediate organic forces, as, for example, forms of government; and, second, those social conditions which at any one moment meet and modify these forces, as, for example, the wealth of a nation.

Of these two we may term the first organic facts, and the second facts of attainment. We find them inseparably united, and in constant interaction. The facts of attainment are the more permanent deposits incident to organic action, and, in turn, give it immediate starting-points. The possessions and institutions already achieved in a community determine the forms of growth that are to follow.

Organic facts are the primary facts of Sociology. We consider facts of attainment only as they are the product on the one hand, or the condition on the other, of the organizing energies of society.

There are five forms of organic force in society: Customs, Economics, Civics, Ethics, Religion. Race relations, local relations, and facts of attainment, make themselves felt through these organic forms, and are of interest in connection with them. The practical problems we have to consider in Sociology are made up, on the one side, of these very considerations, race-

characteristics, local circumstances, and given phases of development; and, on the other side, of the general influences and principles which govern social phenomena. The maintenance of health presents a somewhat similar form of action; the facts of Physiology and the laws of hygiene, in connection with the habits, physical tendencies, and present condition of the person in hand, define the method of wholesome action.

Each of these five directions of social activity may be studied separately, and so give a distinct subordinate department of knowledge. Thus we have already, as incomplete sciences, Economics, Civics, and Ethics; and to these we add extended discussions of Customs and Religion. The five may also be treated together, as they modify one another and collectively build up society. This method of consideration gives us Sociology. In like manner we consider the various parts of the body, as in osteology, neurology, histology; and we also discuss them collectively as making up one living body, and secure as the result of our inquiry Physiology. Sociology belongs with those composite sciences, like Geology, Biology, which presuppose many simple, more separate, departments of knowledge, and busy themselves with these primitive forces only as, acting with one another, they build up a single comprehensive product. The final product is the ruling idea, and the constituents are considered only in connection with it.

§ 3. The five organic forms of social action fall into three groups; viz., first, Customs; second, Economics and Civics; third, Ethics and Religion.

The first group is that of primitive, instinctive organic forces; forces which initiate social activity, pre-

cede deliberate, voluntary action, and always underlie it as the more intangible and unchangeable terms of social life. The second group includes forms of action which are in a large measure voluntary, and are, therefore, subject to deliberation. The intelligent life of man enters into them. They are built up on the obscurely organic forces which precede them. They occupy the consciousness and fill the thoughts of men. Yet, as compared with the third group, they arise under more exterior and irresistible impulses. They have a distinctly physical bearing. Food, shelter, safety, are immediately involved in them.

The third group pertains to action in its least sensuous and most spiritual incentives. The law and the impulse are of an interior, personal character. They are deeply penetrated and thoroughly pervaded by self-conscious and self-directed impulses. The two, Ethics and Religion, are inseparable from each other, and act from above in a subtle and powerful way on the forces which lie beneath them. Though Ethics and Religion are always yielding to customary convictions, they are also always struggling to break with them, and reconstruct them. They are intensely individual in their independent appeal to each mind. They are open, therefore, at any moment to a new disclosure of power in some one person.

The three groups stand in a definite line of development. Customs organize society and set it in motion. This simple primitive movement is taken up and extended by economic and civic impulses. Into the extended relations between men thus instituted, the moral law of conduct and the spiritual sentiments of character

are slowly infused. This movement is co-etaneous and successive, the pressure of motive constantly passing upward. Custom predominating, we have a barbarous or a semi-civilized form of society. Personal interests and civic dependencies in the ascendancy, we have the more advanced forms of civilization. The spiritual impulses uppermost, we pass into that enlightenment, that wide, adequate vision, which still, for the most part, lies before us.

§ 4. Customs are the unwritten methods of action in a community. They are opposed to all distinctly accepted and prescribed forms of conduct. The rule is present, but unannounced.

Economics treats of values and their relations in production, distribution, and exchange.

Civics discusses the laws, customary and written, which unite men in the state.

Ethics considers those principles and rules of conduct which arise from the constitution of man and society, and which are discerned and enforced within the conscious life of each person. These laws, so far as they are enjoined by the community, become either customs or statutes.

Religion embraces the beliefs, feelings, and actions which are called out by a spiritual world, or by what we may term the spiritual side of the world.¹ So far as sensuous relations measure and contain our lives, we are without religion. So far as tangible transient terms of being are connected with and made dependent on permanent spiritual truths and invisible spiritual entities, we are in possession of the germs of faith.

¹ "Natural Religion," Max Müller, pp. 8-27.

§ 5. Facts of attainment do not admit of very definite statement. They are chiefly made up of wealth, means of production, institutions, language, knowledge, literature, art, refinements, spiritual beliefs. Some of these, as wealth and the existing means of production, are more palpable; others, like refinements and spiritual beliefs, seem vanishing terms, and are yet among the more effective influences at work on social life.

Facts of attainment are the products of past growth, the deposit of previous organic power, but are ready, in turn, to react strongly on these constructive forces. The direction and the vigor of further change will be largely determined by them. If these facts are favorable, they are of the nature of momentum; if they are unfavorable, they are of the nature of inertia. Thus the means of production — a well-tilled soil, improved methods of cultivation, the machinery of varied manufacture, ready transportation of products, easy transfer of ownership — greatly quicken effort. The want of these means depresses enterprise, and makes it un-
gainful.

The facts of attainment, influential as they are, act on society under and with organic forces. Thus, wealth affects society by altering the relation of classes to one another, and by modifying the organic dependencies of society within itself. Society, as a living experience, is different because of the forms of wealth and the methods in which it is acquired and held. So also knowledge alters civic institutions, makes diverse degrees of liberty possible, and imparts new color and cogency to those moral relations which hold men together. It is right, therefore, that these facts should be left, in the

discussions of Sociology, in the outer circle of conditions instead of being placed in the inner circle of efficient forces. They must enter freely into our estimates when we undertake, by means of our social principles, to reach any actual results, or reasonable anticipations, in the progress of men. Each problem, in its ruling terms, will be largely made up of these very facts. The possible changes of to-day belong to the exact phases of achievement which characterize the communities in which they are arising. Thus with us in the United States, the feasible and fitting steps of reform are closely connected with the ways in which we are pursuing and holding wealth.

Some have regarded a portion of these facts, for example, language and literature, as properly included, on account of their importance, in primary, organic forces. Yet the relative weight of facts of attainment does not alter the class to which they belong. Language remains a product of the organizing powers which unite men in society, though it is the most expressive and controlling among these results. It does not act directly on society, but indirectly, giving facility and ready extension to its intellectual processes. It is the vehicle of organic force, not the very force. The language and the commerce of England are closely associated; but it is the commerce which extends the language, rather than the language which enlarges the commerce. The strong reactions of language and literature on the activities from which they spring, is a relation common, in a greater or less degree, to all facts of attainment.

Facts of attainment are the resources at any one moment at the disposal of organic life; they are not the

impulses of that life. Life will be strengthened or weakened by their presence or absence, but will not be altered in its essential forces.

Facts of attainment admit, in each direction, of separate presentation; and so we have a history of production, a history of civilization, a history of institutions, a history of literature, a history of art.

§ 6. The influences which are operative on organic forces are of two kinds; those which are internal, and those which are external. The internal influences are, first, the native endowments of individuals and of races; and, second, their acquired characteristics. The distinction between native endowment and acquired characteristic is not one of kind, but one of time. It is not unlike that between the waters of a river and the distinguishable waters of its latest affluent. In a brief period, each successive addition takes its place with previous ones, and forms with them an inseparable whole. While, therefore, national character is an exceedingly weighty and stable term in all social problems, it is not an immutable one. New elements may be introduced among national tendencies, as streams of diverse quality flow into a river. The value of this term of national endowment may be seen in the history of such a race as the Irish. The changes to which national character is susceptible are disclosed in the characteristics of Americans as contrasted with those of Englishmen. The intensity which race-endowments may assume is well illustrated in the history of the clans of the Scottish Highlands. The very pathetic story of "The Highland Widow," by Sir Walter Scott, presents the invincible tenacity of tribal beliefs and customs. The length of time through which

these characteristics may accumulate is shown in the history of the Jews. The sharp practice of Jacob has not been purged out of the moral fibre of his posterity by the vicissitudes and violence of many centuries.

External influences are also two; and these, like the previous pair, are closely interlocked. They are, first, physical conditions, and, second, acquired resources. Natural conditions are made up of such terms as the qualities of the soil, character of the climate, lay of the land, lay of the water. Collectively they constitute the environment, that which encloses and acts upon a given form of life, that with which the life stands in constant terms of interaction. Acquired resources are what we have already brought forward as facts of attainment. These facts of attainment may, some of them, as literature and art, be of so subtile an order as to affiliate with inner tendencies rather than with outer endowments; yet they are essentially an exterior substantial acquisition. These possessions arise in extension of physical conditions, and in intimate interplay with them. This is obviously true of the forms of wealth and the means of production; but these, in turn, shape institutions, enlarge knowledge, determine refinement, till at length the full environment of a community is made up — primitive and acquired, present and historic, physical and spiritual. It then becomes impossible to cut asunder these several influences.

Very different weight is attached by different persons to external conditions as contrasted with primitive tendencies. Some look upon the former as slowly and certainly productive of the latter, while others insist on

the controlling force of native endowments. Buckle's "History of Civilization," Taine's "History of English Literature," Stephen's "Science of Ethics," enforce the first opinion—which, after all, is one of dissent. The great mass of conviction lies in the other direction. The doctrine of evolution has naturally led some to assign great productive power to environment. At short historic range—and it is at this range that we must settle sociological problems—this doctrine meets with great difficulties. One would think that Switzerland, as contrasted with Holland, should have been the home of art. Or, if one wishes to refer the love of liberty in Switzerland to its mountains, one is confronted with a like passion for freedom in the marshes of Holland. England, Scotland, and Ireland have shared, for a long time, physical conditions in many particulars the same, yet with marked diversities of character.

If we take into consideration long periods, doubtless the environment and the life it encloses tend to parallelism; but when men are involved in the problem, the parallelism is secured quite as much by the action of the occupants of the soil on external conditions as by the action of these conditions on the occupants. Moreover, the various social and political ends which men are pursuing frequently break up the continuity of environment, and subject them, as they advance in civilization, to a great variety of new conditions. The habitat of civilized man is variable as compared with that of the animal. It is changeable in its potent terms in the same place, and it is changeable in place. The Englishman, for example, is becoming indigenous to every part of the globe. It is much better freely to rec-

ognize both tendencies as independent terms, than it is to make an arbitrary choice between them.

§ 7. External influences pass by transfer; native endowments by inheritance. The law of inheritance thus becomes of great moment in Sociology. Inheritance, taken in connection with Sociology, has three forms, physical, social, and moral. Physical inheritance is the passage of physical powers and tendencies from parents to children. It remains an open question whether there is any direct transfer of intellectual and spiritual endowments; whether the mental powers and proclivities of the offspring are simply those passed to it by the parents, or whether they are relatively independent and primitive endowments. The transfers incident to physical inheritance seem sufficient to explain existing agreements, while the marked diversities, both in kind and degree, in intellectual endowments between parents and children, seem to indicate the absence of any close dependence in this higher relation. It is not easy to understand how, under a severe law of transfer, either intellectual or spiritual genius should appear, as it has so often appeared, in the line of mediocre abilities.

Physical inheritance must profoundly modify intellectual powers — extremists identify the two — first, by its transfer of sensuous organs, determined to definite forms and degrees of activity; and, second, by a transfer of nervous conditions fitted in widely different degrees and ways to sustain mental activity. A certain type of perceptive and cerebral endowment goes far to determine the precise phase of the mental and spiritual powers which will accompany it. The examples of the inheritance of musical powers, given somewhat fully by Gal-

ton, seem to enforce the law of physical, rather than of intellectual, descent.¹ Musical power is especially dependent on physical perception, and on a nervous and muscular organization in delicate response to this perception. Without these physical gifts, excellence in music is impossible; with them, excellence is inevitable.

Physical inheritance, then, in man assumes even more importance than in the animal, as the developed mechanism of the mind goes with it. Here again, without being bold enough to affirm that this method of transfer covers the entire case, we may well believe that it includes the larger share of it.

Social inheritance is a transfer of social influence by social nurture. It is not a formal delivery of specified things, as wealth descends from father to son; nor yet a physical inheritance, as the bodily weaknesses of the parent reappear in his offspring: it is an undesigned, impalpable, but very efficacious, transfer of those impressions and convictions which maintain the continuity of our households and of our communal life. It is not easy to estimate at their true value that accumulation of social sentiments and incentives which gathers in every family, and spreads through every community, till it becomes an impulse which none can escape. These unformulated feelings supply most of the motives which prompt daily action.

Galton draws attention to the fact that statesmanship has so often passed by inheritance. This transfer would seem to be largely of this social order. A son who inherits fair intellectual abilities from a father, occupying a high civil position, is at once enclosed by opportunities

¹ "Hereditary Genius," by Francis Galton.

But this is social environment, not inheritance.

opening a comparatively easy road to distinction, and he is acted on by incentives which make it hard not to pursue this road. The social influences which belong to a household and to the relations of that household to the community, must always go far in determining the pursuits of children. Social inheritance is a potent factor in the continuity of employments. Acquired skill, family convenience, mutual aid, and concurrent feelings all lie in one direction.

A third form of inheritance is moral transfer. By this is meant direct inculcation — instruction in its private and public forms. The free schools of the United States are a most direct and extended means of carrying forward the national life. That they may do this work more perfectly, they call distinctly for the vital, ruling impulse which is expressed in ethical law. The moral force alone gives knowledge momentum, controlling and constructing power.

These three forms of inheritance are so blended together as to be inseparable in their effects. Moral forces slowly shape physical forces, and physical forces give conditions to moral forces. When, therefore, our attention is drawn to any one of these mediums of transfer, it must speedily be united, in its comprehension, to the other two. The underlying physical powers, the half-conscious instinctive social impulses, the fully formed moral motives, in many ways pass into one another and together secure the continuity of our lives.

§ 8. Inheritance, allowing the word to include the three forms now indicated, involves two tendencies or series of facts. The first and fundamental one is the tendency to uniformity, to transfer qualities, be they physi-

cal, social, or moral, from parents to children without change. It is this fact which inheritance primarily expresses. But this law does not include all the phenomena of transfer. There is another tendency in contravention of this tendency, that toward variety. New physical features appear from time to time in offspring. These, in turn, come under the primary law of inheritance, and so their permanent establishment becomes possible.

There is a third tendency of less moment. When the conditions which have given occasion to varieties are withdrawn, there is a disposition in the form of life under consideration to revert to its earlier type. This is termed atavism. It belongs to social and spiritual, as well as to physical, inheritance. If the forces securing a vigorous, complex, social life become weak, social institutions revert to earlier, simpler, and more arbitrary forms. Tramps may be looked on either as escaping from industrial conditions by reversion, or as standing for a small remainder which has never come fully under these conditions.

In social growth, variety enters in various ways. It often turns on individual endowments. A great man is a pivotal man on whom the community swings forward. Such a person offers in an intense form the very incentives which the community calls for. The mass of men respond most directly to personal influences. Society is thus marshalled under a leader, and renews its march. Such a man was Peter the Great in the history of Russia.

Individuals may also give new intensity to national sentiments, in conflict with coherent growth, and so.

divert or retard the joint life. Napoleon Bonaparte inflamed in France the martial ardor of a warlike race, and so helped to divide and disperse its energies for a century. The ministration of individuals to nations, and the cordial support of leaders by an enthusiastic people, give us the most interesting chapters in human history. {Great moral and spiritual forces have entered the world} {almost exclusively through extraordinarily endowed individuals.}

New phases of development have followed conquest. The conquest of the East by Alexander, giving occasion to such cities as Antioch and Alexandria, became a ruling factor in civilization. The slowly subduing force of Grecian culture in Roman character, incident to the conquest of Greece by Rome, is as significant a fact as history anywhere offers.

A third occasion for variety in national character is found in emigration. Each Grecian city planted in a foreign land took on new characteristics. Each English colony is subjected to fresh experiences which quickly alter national tendencies. The American type and the English type are very distinguishable.

A nation is also altered by immigration. Our national character is being modified by the great variety of immigrants we have received. The ultimate result becomes a cause of grave apprehension.

There are also occasionally sudden social changes which deeply modify the character of a community. The abolition of slavery in the Southern States was such a change. The South has taken on new forms of industry, altering social sentiments and social relations. The modern industrial world, in all civilized countries,

is quite different from the world which preceded it, the change being due to new forms and greatly increased force in production.

§ 9. National type and external circumstances are in such close and rapid interaction, that it is not easy to keep them apart in our consideration of them. We may, however, advance some general propositions concerning them.

National type and external circumstances are, in reference to each other, of variable value. Either may gain sudden force in reference to the other, and pass through a period of unusual dominance. A conquered tribe may sink into abject submission. Discouragement may overtake and depress a nation, as it does individuals, and leave it "scattered and peeled." Yet heavier misfortunes may knit other races more firmly together. Thus Jewish character, in spite of the grinding processes of many ages, many places, and many nations, remains as distinct and invincible as ever. A people may readily yield to one set of influences, like the inhabitants of Alsace and Lorraine, and firmly resist another. We cannot assign either exact or permanent values to these two factors. They are subject, between themselves, to a changeable interplay of power.

Nations in earlier, ruder, and feebler periods are more submissive to external circumstances than in later and stronger ones. If a race comes suddenly under an extended change of conditions, even though the new conditions are favorable, it frequently fails to respond to them. The inner life is disturbed and unbalanced by its new terms, not quickened and nourished by them. Thus the inhabitants of the Sandwich Islands show

signs of shrinking up and withering away before the strong light of a sudden civilization. The Indian, as contrasted with the Negro, in our own country, has shown less elasticity, less power of adaptation, less patience in accepting new impulses. Some races seem to show, in comparison with other races, exhausted vitality, as do plants in the vegetable world. The Japanese are manifesting unusual power, and are passing rapidly and successfully through a wide circle of changes.

On the other hand, civilization, while it may seem chiefly to accumulate the external conditions which shape our lives, often greatly deepens and strengthens the life itself. Thus the English readily accept and uniformly thrive under the circumstances offered by any quarter of the globe. They show remarkable power of colonization, and push forward or push out of the way the feebler races they encounter. The Portuguese, on the other hand, and in some degree the Spaniards, suffer deterioration as the ultimate result of their enterprise. The world has gained comparatively little by their conquests and colonies. It has been said, "The animal is the creature of environment, man is the creator of environment."¹ This assertion implies a constant growth of spiritual power in its mastery over the world.

A third allied proposition is that misfortune depresses moral power, and prosperity loosens the limitations of circumstances and makes change increasingly easy. Indeed this statement approaches a truism, since we often mean by misfortune that which bears back personal power, and by prosperity that which calls it out. We

¹ "The Humanities," J. W. Powell, *The Forum*, vol. x. p. 410.

do not always distinguish between the external losses which are ready to occasion a depression of life, and that depression itself; between the gains which strengthen a growing impulse, and the very impulse. In each case the misfortune and the fortune lie chiefly in the altered response of society to its circumstances. Thus we have the proverb, "Nothing succeeds like success." The momentum of a people counts for much, as does also its inertia. We express them as courage and discouragement. They have an expansive and restrictive power beyond merely mechanical measurements.

The struggle between type and environment offers in society three phases, and leads to a fourth principle. Each of these phases has given occasion to much diversity of opinion. In persons we express the two tendencies as freedom and fatalism, the power of the individual over his terms of life, the degree in which these terms govern the life they embrace. The ever-returning diversity of statement at this point serves chiefly to show the great value, and the variable value, of each factor.

In education this conflict reappears as ability and acquisition, native tendency and training. In a lower grade of life we express the difference as stock and breeding. There are those who attach excessive importance to each of these two agents, as contrasted with the other, in the composite result. Thus it has been said, that if a person could compose the ballads of a nation, he would thereby shape its character. But these ballads are themselves the product of the national character and history. A nation can no more take on its ballads at pleasure, than it can assume its language or its physical traits. Its ballads are the composite expression of its inner and outer life.

Neither of these two terms in education can be handled successfully without the other. Now one, now the other, will seem to predominate amid the variable phases through which men are passing. The transfer is so constant and vital between them as to confuse the lines of distinction.

The third form of this contrast is between temper and institutions in a community, between mobility and immobility in a people. We assign mobility to national power, immobility to the force of events. The Anglo-Saxons are thought to have a race-predilection for free institutions. Their freedom is referred to race-endowments quite as much as to external circumstances. Tyranny, on the other hand, is indigenous in the Oriental world; it is incorporate in the character of the people. Americans are mobile in the last degree. The Chinese are immobile in a like degree. The two cannot shape themselves to each other.

A single consideration is sufficient to show that these two terms, inner and outer force, must each enter freely into all our social studies. The one influence, circumstances, owes its significance to the fact that it acts on and modifies the other influence, character. Till this modification takes place, variety in circumstances is of no moment. Personal force, on the other hand, shows itself at once in acting on and reshaping circumstances. It is at this point, the changes it accomplishes, that we take its measurement. The two elements are so completely reciprocal that the one loses significance without the other. It must find its expression and measure in the other.

Our most comprehensive principle, then, is, that we

find in the interaction of these two elements, namely, inner and outer force, another form of that movable equilibrium which is the condition of social growth, as it is, in one form or another, of all growth.

§ 10. The notion of a movable equilibrium is widely applicable to mechanical, vital, and social phenomena. One turns sharply in skating. The skater overcomes the force that would throw him outward by inclining inward. By virtue of motion he maintains his balance between conflicting tendencies. If he were suddenly checked, the outward fling would vanish, and the inward weight would issue in a fall. The rider on a bicycle runs the gauntlet of innumerable tumbles on the right and on the left, by virtue of a motion which holds in equilibrium the conflicting forces. He cannot, for a moment, maintain the safety at rest which he easily commands by movement. The solar system is at once the most prominent and the most changeable example of a movable equilibrium.

We readily conceive life in the plant and the animal under this same relation. Hereditary force carries the life in one direction, the changing conditions of the environment tend to deflect it in other directions. The actual variations which arise are fresh adjustments under these diverse tendencies, combining them in a result compatible with both.

The progress of society is also a movable equilibrium, maintained under a variety of opposed forces. The radical, the progressive, the centrifugal forces are personal powers — impulses acting in society through its more advanced members — and changing circumstances which make unexpected demands and impart

unusual incentives. The conservative, repressive, centripetal forces are national type, inheritance, tradition, custom — the perpetuity of the conditions and the firmness of the limits within which the national activity is moving.

We have in China a striking example of retarded motion under an accumulation of one set of forces. Customs everywhere pervade and possess the life. Imitation is a conspicuous characteristic. Memory is a supreme intellectual endowment. The educated classes lay hold of the literature of the past and roll it over and over in each successive generation as the sum and substance of wisdom. Religion settles down into a worship of ancestry. The very language loses interior development, grows by painful accretion, and lays an immense burden on the retentive powers. As the maturer trunk of an endogenous tree becomes too compact for fresh deposits, so may national life become too elaborate and firm for new development. The vital processes are slowing up toward suspension or toward revolution.

In contemplating society, we readily start with the impression that it is open to every form of change, to easy improvement. With a larger experience of the many points of resistance and the unexpected forms of reaction which may set in, we may readily pass over to the opposite conclusion that society cannot be diverted from its predetermined orbit, and that it is better that we should adjust ourselves to it, rather than enter on the perplexing and futile effort of adjusting it to our ideals. The first conviction gives rise to fanaticism, the second to cynicism, and both are equally wide of

the truth. Both forget that society is a movable equilibrium which may be controlled, but must be controlled by skilful handling under its own conditions. Conflicting tendencies must be united in a forward movement which may be accelerated rather than retarded by the intensity of the strife. In a combination of forces, the power which drives the body along the diagonal may be made up of forces which, left to themselves, would have impelled it a less distance on either side.

Thus we may say of religious life, a leading phase of social life, that it presents a line of conduct the resultant, on the one hand, of sensuous impressions, and on the other, of spiritual insights. If the two are combined in the same *ictus*, a sober and rapid unfolding of the entire spiritual nature follows.

There is then no limit to the control which can be exercised over society in its progress, if our directing and correcting powers are applied through long periods under and with the forces which are potent at the very time and place we are considering. Each effect, each modified movement, begets the conditions of a more facile movement at the next stage, till in the end, as in all skilful performance, nothing seems so easy, so perfectly knit together, as the most difficult achievement. Society that is moving forward draws its strength from all sides.

PART I.

CUSTOMS AS A FACTOR IN SOCIOLOGY.

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DEFINITIONS AND DIVISIONS.—SOCIAL CUSTOMS.

§ 1. Customs are the conventional methods by which men in society order their action in reference to one another. They arise spontaneously under social feelings. Men are gregarious; and the herd and the method of the herding are, in a large degree, inevitable. Customs are the product of these primitive organic tendencies among men. In reference to all later and more voluntary acts of association, they constitute the vital substance, the social protoplasm, which is presupposed as the supporting and plastic material subject to all later organic changes. They are to the social life what physical habits are to the body of man; the basis on which voluntary action rests, that above which it rises, that into which it sinks. The tendency to establish and repeat a familiar method belongs to human action. Customs, in their origin, are deeply though obscurely planted in the instinctive, organic proclivities of the race.

The authority of customs is found, in the first in-

stance, in the feelings which they express and gratify. They are a spontaneous product of the feelings. They shortly, however, acquire an additional authority in the good order they establish, the interests they sustain, the calculable terms of action which they offer. They thus gather to themselves in a most imposing and imperious form all the motives and sentiments which unite men to one another. Any extensive dissolution of customs is a breaking down of the affinities by which men are bound to each other — is social chaos.

Customs are most potent with the ignorant. They in part take the place of those moral motives which bind together the more thoughtful. Men of the widest intelligence hold them in high consideration, but they do so because of the impossibility of supplying their place with the uncultivated. They act in the absence of higher motives. Boys are abjectly subject to the opinions and ways of their playmates. They secure no sufficient ground in reason from which to take up the labor of resistance.

Young men, journeymen, college students, show this disposition to submit to prevalent, irrational customs. The governing sentiments of these little worlds rest on tradition. Their members oppose the unreasoned ways of the past to the better methods that are coming to prevail in the wider world which encloses them. Customs are thus the instinctive methods of restraint which overtake those otherwise ungovernable — an anticipation of reason and an organic substitute for its deficiencies.

§ 2. Customs thus stand in a complex and important relation to progress. The first step in progress is the power to combine. The germ tendency is this organic

tendency. Without it later movements would secure no basis. The more conscious and complete process must rest on the less conscious and complete one. Customs, in their ease of formation, express the readiness of growth; and in their stability, the firmness of growth. The nations which readily take on customs, and hold them with as much tenacity as is consistent with renewing them, have the most power. The Greeks, in consequence of their volatile and elastic character, had less organizing force than properly belonged to their great intellectual endowments. They created many cities, but no large communities. The Romans, far more submissive to customs, and to laws the outgrowth of customs, carried with them everywhere the vigor of empire. The English, equally productive in the realm of law, have shown like power in subjecting and guiding races of men. Natural selection works for those nations possessed of that organizing tendency whose primitive expression is custom.¹

But progress involves two movements, the instinctive one by which social construction is secured, and the more thoughtful one by which this construction is constantly reshaped for more comprehensive and adequate ends. Customs stand for the first, and the development of ethical motives for the second. It is as essential, therefore, to growth that custom should steadily give way before the moral reason, as it is that it should be readily formed in the first instance. Social development, like the growth of the body, involves constructive and destructive processes in constant interplay. Too great resistance in customs is as fatal to the unfolding

¹ "Physics and Politics," Walter Bagehot.

moral life as too great facility of change. A successful equilibrium allows each tendency perfect expression and unites them at their maximum.

The immediate force of customs is the feelings which are nourished by them. These feelings, which may have passed quite away from their original and more rational basis, interpose an obstacle to progress which often defies argument. For this reason ridicule, calling out an adverse set of feelings, is often an effective weapon in reform. That which is not at the moment sustained by sound thought, cannot be overcome by sound thought. Progress, involving a complete development of our rational powers, must often, for the moment, depend on the pressure of circumstances and avail itself to the utmost of current sentiments that a fresh plastic state of the public mind may be reached, and that earlier organic tendencies may not be allowed to anticipate and exclude later ones. Customs must show a dynamic as well as a static force. The swing of the pendulum downward must prepare the way for its swing upward. The momentum which carries the national life into a custom must also carry it beyond that custom. Social and civil institutions must not take to themselves infallibility. The one key of all complications is movement; but this movement must be one of distinct departures and moderate and definite measurements.

Society, in every one of its phases, has the greatest difficulty in toning down to a healthy growth its own organic forces. They in turn sweep over and suppress one another. Thus there is no direction in which belief, because of the indeterminate and exhaustless nature of the truth at its disposal, should have freer and wider

sweep than in our spiritual life. Yet religion, quickly subjected to its own earlier achievements, submits itself to doctrines, rites, and ordinances which first express, then restrain, then strangle its growth. A current doctrine of the fourth and fifth centuries was that "that should be held for Catholic truth which has been believed everywhere, always, and by all."¹

The equilibrium of faith lies in reconciling the power to retain the spiritual acquisitions we have made with the power to secure further insight; in framing an orbit of revolution in the open spaces of the yet unfinished system to which we belong.

§ 3. Customs are of three leading forms, social, civic, and religious. Social customs pertain to the intercourse of men in society; civic customs are associated with action as ordered by the state; religious customs attach to conduct as it comes under the government of faith.

Social customs, in turn, fall into three classes; viz., first, those which pertain to the family; second, those which are involved in the relation of classes to each other; third, those which concern the general intercourse of men. The last named we term manners.

The germ cell of our organic life is the family. Here all relations commence, and to it they are constantly returning. This is the seed from which each crop is grown, and this the seed to which all crops return. From the family spring classes, tribes, nations; while national life gives the occasion for economic, civic, religious activity. No matter how far this development proceeds, it returns at every step to expand and perfect the household.

¹ "Continuity of Christian Thought," Al. V. G. Allen, p. 161.

All social growth, therefore, finds expression in the family, in its purity, in its strength, in its liberty. The nation whose life is most deeply rooted in its households will be the nation of the most comprehensive, peaceful, and permanent prosperity. The purity of the household prepares the way for its strength, and its strength enables it to grant the largest liberty. As its strength becomes interior and spiritual, it puts the least coercion on action, and concedes it the freest, most beneficent law. The beauty of the family lies in its cohesive force as associated with individual freedom. It therein becomes the model of all fortunate social construction, as well as the interpreting idea, in many ways, of our highest spiritual relations.

The family involves three primary relations, that of parents to each other, that of children to parents, that of children to each other. These leading connections fall, in a large household, into many subordinate ones. When we add to the distinctions between sons and between older and younger children, those which arise from diversity of character, we have a large group of dependencies in which like and diverse ties are most happily blended; all the members of the household hanging, like the grapes of a single cluster, by one stem.

If the first of these three relations fails, all are likely to fail with it. The attachments of the household are usually measured, in their tenacity, by the love of parents, primarily expressed toward each other. If love does not fill this its first channel to overflowing, it is likely to find its way but slowly into secondary ones. We must, ordinarily, rely on the love called out in parents toward each other as the uniform and sufficient

occasion of affection for their children; and on the love of children for their parents as the chief source of mutual regard.

Hence purity, the indispensable condition of love in the first relation, becomes the root-virtue of the household, the germ of all social obligations. Purity is the distinctive quality of the first human tie, that which lies between parents; strength is the distinctive quality of the second relation, that between parents and children; and liberty of the third relation, that between children. The cohesion of the household lies in the authority of the parents as justified and supported by affection. The early Roman family was one of great vigor. Absolute authority belonged to the father, an authority which followed the son as long as the father lived, and the daughter till she was transferred to another household. The mother was held in high honor, but her authority was merged in that of the father. The subjection of children was as complete as that of slaves.¹ This severity of relations was softened by the affections incident to them. The strength of the Roman household was lost in its later history with the loss of purity, the loss of permanency in the marriage relation. A tie in the beginning too absolute became fatally relaxed.

Liberty in the household expresses itself in the perfect equality of children, and in the submission of the authority of parents to the terms assigned by the ends of nurture as softened and expanded by affection. The liberty of the household is that lawful liberty which freely adopts and spontaneously completes the obligations which are attaching to the conjoint life; it is the

¹ Mommsen's "History of Rome," vol. i. chap. v.

product of active and well-directed affections, the liberty which belongs to all in the fulfilment of a common life.

§ 4. Marriage rests on a physical, customary, economic, civic, ethical, and spiritual basis. Its growth in completeness and power lies between these two extremes, a physical impulse and a spiritual fellowship. It covers the entire intervening ground, and draws strength from every part of it.

As early as the earlier portion of the third century, Modestinus, a great Roman civilian, affirmed: "Marriage is a union of a man and woman by which the whole of life is partaken of in common, and all rights, human and divine, are freely interchanged between them."¹

The sexual relation is the most universal, potent, and transcendental relation that lies between living things. It is well-nigh commensurate with life. It is associated with offspring, is the creative point at which new powers, new varieties, new species, find entrance. It is transcendental in the sense that the results so far transcend any terms of mechanical or physical explanation we can put upon them, as to remain ultimate facts which we are compelled to accept with no knowledge of their causal grounds.

The starting-point in marriage is animal impulse, passing sluggishly on through polyandry and polygamy into monogamy. Promiscuity is not the general condition of animal life, or even of plant life in its higher forms. In both of these we find the appearance of more or less positive limitations. Monogamy is a primary necessity of our spiritual, rather than of our physical, life. We should have difficulty in making it imperative on the lower

¹ "Roman Civil Law," Sheldon Amos, p. 278.

ground simply. It is what Goethe terms a "culture conquest." Nowhere is the supremacy of the claims of our higher nature more distinctly made out, or more authoritatively enforced on their own basis, than in marriage. There is no deterioration less doubtful, more dreadful, more self-avenging, than impurity, judged from a social and spiritual point. The word impurity is well chosen as designating the mental uncleanness, the ever-renewed corruption, the increasing defilement, which attend the insatiate lust. This darkest among dark sins rests almost exclusively on the social and spiritual wrongs it suffers and inflicts.

In historical growth the lowest point in sexual relation and the primitive point in human life do not necessarily correspond. Human life may sink as well as rise. Monogamy may exist in conflict with polygamy; and polygamy, under the poverty and depression of defeated and persecuted tribes, may assume lower phases. Along the line of general development there lie, above and below, sporadic results which do not represent the ruling tendency. It is too easy a social theory to assume that all which now offers itself as basest in human life is basal, and that we have only to trace thence the steps of historical development.¹

§ 5. The relation of parents to children rests on natural affection, on interest, on social position, and on spiritual affections. Men, in common with all animals, have natural affections, — feelings which spring irresistibly from physical connections. These are slowly limited and supplemented by spiritual impulses. In the degree in which man's condition is allied to that of the brute, we

¹ "Unity of Nature," Duke of Argyle.

may believe that these more brutish impulses prevail, and serve their primary purpose of guarding the family. It is plain that natural selection must act vigorously in favor of those races in which the natural affections maintain the household.

Interest comes in at an early period to sustain natural affection. In a period of conflict the strength of a household depends on sons and daughters. So true is this that crimes of violence were first conceived as directed against the family and open to its claims of reparation, rather than as against the individuals and the community.

The slow entrance and ultimate prevalence of social and spiritual sentiments at length unite liberty to strength in the household. These anticipate the strife and division which are ready to attend on the lower impulses. There is no growth of a truly spiritual order which does not accrue to the household. Whatever foliage and fruit adorn life, they are sure to cluster the thickest and hang the heaviest on these domestic branches.

The contention of authority and liberty in the household is seen in that arbitrary limit of authority which we term "coming of age." The Roman family, in its unusual strength, assigned twenty-five years as this limit, and then greatly restricted the emancipation. In the household, which has come under the government of spiritual incentives, liberty arises continuously and imperceptibly out of authority. There are no definite limits between them. The seed-vessel drops its seeds in no more ready obedience to nature than the household its offspring, capable of a larger life.

§ 6. The third relation, that of children to each other, is, in some sense, more ultimate and universal than either of the other two. It is, in its perfection, the best fruits of the family. Equality, that equality which takes the widest range in civic institutions, is its ruling idea. We pass from the liberty of the household to the liberty of the state. Narrow interests and more restricted ends of organization are for a long time in contention with the freedom of the family. Thus diversity of values and rights have attached to sons as contrasted with daughters, and to the eldest son in comparison with younger sons.

Subjection or liberty will prevail in the household according as organization or as nurture is the ruling idea. If the purpose of the family is to frame an institution whose collective interest is somewhat distinct from, and decisively superior to, that of its members, if the idea of government on which it proceeds is monarchical, then we shall have a subordination in children fitted to carry out this purpose. If the primary purpose of the household is conceived to be nurture, the bringing of men and women into the full possession of their powers, then we shall have equality, liberty, generous interaction, as its organic law. Nurture implies that large estimate of individual worth which puts men on essentially the same basis, and makes the common interest an aggregate of personal welfare. As long as the family embraces in part civic functions, as long as the father is priest and king, the idea of nurture will be subordinate to that of government. Thus the feudal system gathered in the family as a part of its own military construction, and unity and responsibility were supported by primogen-

iture. Around this construction, securing direct and continuous representation, — imposed on the household by interests foreign to itself — there easily gathered, as in England, the pride of family, the sense of perpetuity, and the visible continuity of the whole. Thus, while the motives to equality grew in the household, year by year, those which were involved in traditional honors grew with them; and it became, here as elsewhere, difficult to replace authority with liberty, visible and exterior order with invisible and spiritual construction. Both ends, government and nurture, are embraced in the household with different degrees of power in different periods, and hence there is put upon it, in common with the community, the entire labor of transition. The individual life must flourish in true vigor, in thorough self-control, before the defences, first set up in its behalf but transformed by progress into barriers, can be finally thrust aside.

§ 7. The family is the school of social relations. In it we learn the duties of life in a form and under conditions which make their recognition comparatively easy. The family, in the outset, passing into the clan, the tribe, is the community. The relations of the two glide into each other, and are in a high degree identical. The more primitive, the plainer, obligations which attach to those of the same blood spread into the community. Later, when society is more heterogeneous, and shelter extends further out from the household, family ties still serve to define the temper which rules in our relations to our fellow-men. Nearness and remoteness are measured from the family centre; interest and indifference turn on its connections. When, at length, we rise

to the idea of the fatherhood of God and the brotherhood of the race, the conception has grown up and ripened under these primitive connections.

\ The household is the seed-bed of the spiritual affections, the higher, more subtile, more generous feelings which bind us to one another. The appetites and natural affections and interests of the family life are the coarse soil in which slow-growing insights, the germs of better things, are planted, improved, and replanted, till we have something which, in its forecast and ideal force, suggests to us the garden of God.

Here, also, men first meet law, and first win liberty. Government in the outset rests in the household on physical strength. An authority is set up which those subject to it cannot dispute. This authority is tempered, on the one side, by affection, and on the other, by complete dependence. It is an authority made rightful by its inevitableness. With each step of development this authority is softened, refined, extended, till at length, fully sanctioned by the moral affections, it passes into perfect liberty.

\ The manner in which the child meets this first form of law, so wonderfully sustained by natural sanctions, by interests and dangers, fears and affections, determines very largely how he will meet all law; how he will solve the one supreme problem of bringing his own impulses constructively and pleasurably under that comprehensive net-work of law which the world casts over him. Weakness and failure in the household carry weakness and failure everywhere. Success here gives us hardy plants, which can be hopefully transferred to society.

§ 8. There are various social problems which turn directly with us on the construction of the family. One of the most important of these is the subjection of women. The subjection which woman suffers, and which some regard as deeply involved in the nature of things, is subjection to the household. It is not subjection to men as men, but to men as husbands, fathers, brothers, rulers, within and beyond the family. This subjection often leads to personal tyranny; but this tyranny is its abuse, not its use.

This subjection rests primarily on a physical basis. It is a control of those who are weaker by those who are stronger, of those who can most easily be ruled by those who can most easily rule. As long as order is the outcome of force, this government is inevitable. From this physical dependence there arises, necessarily, social dependence. Methods of feeling, habits of thought, estimates of worth, become inwrought into the very nature of men and of women, and into the entire structure of society, which extend and sustain this subjection. A dependence, whose germ is physical, gains, by virtue of this aftergrowth of social relations, a naturalness and inevitableness which make it difficult so much as to raise the question of fitness and justness.¹

A subjection so controlling in the household must enter of course into civic rights. What women may possess, what they may do with what they possess, how far they may control their own persons, in what way their personal rights are to be defended under the law, what public privileges and duties are to be assigned

¹ "The Reform against Nature," Horace Bushnell.

them, are questions to be settled in the presence of this primary notion, the subjection of women to the wants of the household. If this idea is justly formed, its social corollaries go with it.

English common law has been narrow in defining women's rights; but it has been so, not from a spirit of oppression toward women, but in consequence of a high conception of the unity of the family, and a desire to maintain its strength within itself. The rights of the household and the rights of woman have fallen into untoward opposition. The power committed to the husband was entrusted to him as the ruler and defender of the household, but was not adequately restrained in its use. The whole system was a development, even if a severe development, of the one idea of a natural subordination of women, defined by the wants of the family. If this underlying idea is sound, adequate, and of universal force, then reform at this point can consist only in softening it in its application. If, however, this first conception of the household rests on physical relations, which can be and are to be subordinated to higher spiritual ones, then reform consists in shifting the construction of the household, in its primary motives, from the one basis to the other as rapidly as opportunity is given, as rapidly as the household is prepared for the strain of the transition.

§ 9. This transfer is successfully going forward in various directions, with or without our assent. This is evident in common relations, as in the freedom granted to women in the acquisition and use of property. Little liberty was given to married women in this particular under common law, and little was won by unmarried women.

The earnings of the wife belonged to the husband, and her chief protection lay in a partial provision for her wants on the death of her master. With the inability to hold property naturally went the inability to win it. Most lucrative employments were closed to woman, and her life, in its outlook toward labor, was shut up to the household. On the side of toil, she was the servant of the household.

This narrow and often severe service rested back, in men's minds, for its justification — when it did not repose on simply brute force — on the fact of motherhood, which makes the nurture of children a primary duty, circumscribing all other duties, and on a physical weakness and refinement which seem to demand the shelter of the household. To these essentially great ideas, considering the phase of development to which they belonged, was added the notion of intellectual inferiority, an inferiority in part the product of prolonged dependence, and in part an exaggerated conventional sentiment, due to diversity of gifts, called out by natural causes and nourished by this very subjection.

On this coarse but hardy stock, society, in its development toward culture, grafted the notion that the truest delicacy, the highest refinement in female character, do not admit rude contact with the world at large, but must be favored by seclusion and by a peculiar form of innocence which approaches very closely to ignorance.

In completion of these refined feelings, or in conjunction with them, there were certain classes of society, not necessarily the lowest, which entertained very different and very gross sentiments. The lowest women were degraded to a baseness and brutality that made them the

antipodes of those in circles of refinement from which they had fallen. By some strange perversity, a most wicked conception of womanly nature seemed to find its way in the minds of many men, formal partakers in this conventional refinement, and to unite in their thoughts, these two, the best and the worst of women, by a sensual service most degrading to all concerned. A fastidious and overstrained delicacy has often become the occasion of conceptions and actions most radically opposed to its ostensible character.

Women were also, in spite of this notion of refinement, when compelled to toil for a livelihood, left to the severest possible pressure of circumstances. No class has suffered as they have suffered from the sweating process.

The economic laws of wages, unsoftened by custom or by combination, have acted powerfully in depressing industrial effort on the part of women. Their wages have compared unfavorably with those of men. Many causes have concurred in securing this result. The most obvious and influential one has been the law of supply and demand. Comparatively few employments being open to women, the supply of labor in these departments has exceeded the demand. As the services of women are frequently, in one particular or another, inferior to those of men, this fact has kept down their wages. An unjust conventional opinion has extensively prevailed, putting the labor of women quite below its true value. This has worked strongly in the same direction. Women have, in many cases, added the returns of work to means of support independent of it, or have been under light claims of expenditure, and so have been able to

offer their services at depressed rates. They have also been almost wholly without the defence of combination, and so have come fully under the heaviest pressure of the market.

In spite, however, of these obstacles, real and factitious, there has been a rapid improvement in the economic conditions secured by women. Various important employments are fully open to them. Other occupations are partially conceded. Barriers are everywhere giving way. The professions are entered, if not fully entered. It is scarcely worth while to offer statistics of the change. One can hardly transcribe them before they are decisively improved. The economic world is so far captured as to offer no serious resistance. Wages are coming freely under economic principles, and prejudice, the great check in this movement, is disappearing. Workmen are disposed by good-will and in self-defence to accept equality of remuneration. They find this a more tenable ground of competition than the old one — unequal wages for the same work.

Carroll D. Wright, in the *Forum* of May, 1892, gives the following percentages expressing the proportion of women in different departments of labor:—

Federal Employment	12.00	Transportation	.29
Professional Service	46.26	Agriculture	.52
Personal Service . .	40.66	Fisheries . .	.09
Trade	11.09	Manufacture .	28.58

Concurrent with this advance of women in independent productive power has been an equally marked improvement in educational advantages. Public education in high schools has been only too exclusively

appropriated by them. In the Western States, co-education in higher institutions has become the well-nigh universal custom. Though the Eastern States have not been able to reach this mark, they have in part atoned for their failure by providing many colleges as separate means of doing a like work. They have yielded the substantial contention without wholly amending the social sentiment out of which the evil sprang.

This increased independence and improved education have helped to put the marriage relation on those terms of a free spiritual contract which prepare the way for its fortunate formation. A deep descent in the opposite direction is disclosed in India, where the life of the woman is wholly wrapped up in marriage. Betrothal, marriage, and the results of marriage, comprehend all her interests. The suttee was an expression of the extinction of the life of a woman when it ceased to be contained in the life of a man. She was not even a bearable "relict."

The characterization of Governor Andrew of the women of Massachusetts as "anxious and aimless," is losing something of its point. The free movement they are securing in the world, their widening out-reach into the aims and labors we all share in common, fit them the better to be the voluntary and helpful consorts of men.

§ 10. The rights in connection with which the contest has lasted longest and is still warmest, are political rights. Civic rights, expressed in equal laws equally administered, have been more freely conceded than political franchises. The rights of property and person are approaching justice, but the right of unrestrained political activity is but very partially conceded.

This concession, however, is so completely involved in the progress already made that it cannot be long withheld. It would doubtless have been granted before this had not the majority of cultivated women drawn back from the altered sentiment and added responsibilities which it has been thought would accompany it.

Women have essentially the same interest in good government as men. They should have the same rights and duties in securing good government — the bulwark of defence for all our gains — as men. If there are any reasons adverse to this natural conclusion, they must be made out in the clearest and most practical way. The antecedent presumption in favor of identical rights is great.

Women have also essentially the same powers with which to apprehend and discharge the duties of citizenship. Whatever diversity of gifts there may be between men and women, it does not touch their ability to understand and watch over these vital interests.

Women have also, in addition to the common wants and powers which they share with men, certain wants and powers, especially those associated with the household, which belong to them in an unusual degree, and which they are, therefore, especially fitted to urge and protect. Diversity between men and women, as well as agreement between them, calls for concurrent counsel and action. The public welfare is made up of the welfare of men, women, and children, and a portion of this welfare it falls peculiarly to women to understand and watch over. It is wrong to compel one whose personal responsibilities are large to discharge them unnecessarily through others.

The most conclusive reason in behalf of this enlargement of political rights is that it would tend to additional development of personal life. Thought, feeling, and action would be correspondingly widened. One-half the human household would obtain a larger horizon, and that without robbing any man of his vision. So far as suffrage can be spoken of as a natural right, that right lies just here — that every human being is entitled to the fullest exercise of all his powers, unless the well-being of society opposes a distinct and sufficient objection to it. In the progress of events the presumption gains invincible force that the interests of society are concurrent with the interests of its individual members; and that whatever difficulty is in the way of uniting the two is superficial and transient. Only on this supposition is the perfection of society possible. Universal participation is involved in this perfection.

The fact also that there are no fast lines in social action at which barriers can be successfully set up to the ebb and flow of influence, leads to the conclusion that suffrage must ultimately be conceded. It is far better that women should exercise political influence openly and directly, than by indirection and in secret. Persuasion is wholesome in the measure in which it is avowed. As long as social growth pushes toward enlarged activity, we must find pleasure in yielding to the pressure. The growth must find its limits within itself, not without itself. If this reform is "against nature," then nature will reject it; the space conceded to life will not be occupied by life. In any case of doubt it is better, on our part, to allow life to define its own bounds, than to run the risk of ourselves defining them too

narrowly. Men have done most of their fighting against God by a too determinate and restricted construction of the ideas which underlie the world.

Certainly the disposition to concede suffrage to women who pay taxes hints at no true line of division. It implies that an accident of life — an accident that we have learned to disregard in man — is more significant than life itself.

§ 11. The objections to this grant are obstinate if not cogent. Like the roots of a tree which has grown in the cleft of a rock, they run far and deep in all the fissures of the solid bed of conventional sentiment.

One of the earlier and more weighty of the obstacles to the participation of women in political rights, has been her relation to the household, the exacting claims of the household, the mischief arising from their neglect. The unity of the household, and the inevitable concessions involved in it, have led many to feel that women were wiser in accepting a curtailment of political rights, than in any degree jeopardizing the chief interests committed to them; that in some sense the duties of women were too sacred to admit of any disturbance. Others, putting the same idea in a different form, have regarded the household as one organic body, finding complete and adequate representation in the husband and father. There is sufficient force in these reasons to explain the action of the past, but hardly sufficient force to justify, in perpetuity, limitations which the growing vigor of our spiritual life is rendering unnecessary. The moment the unity of the family is consistent with an extension of personal liberty, women are entitled to that extension; and that extension in turn will strengthen

this unity. To refuse enlargement is to check that gracious development of the home which has made it possible. Precisely the same temper which causes a woman to feel, and to desire to fulfil, a public duty, will govern her in the recognition and fulfilment of private duties. She can only the more certainly and safely be trusted with a discharge of the latter when her horizon includes the former as well. The soul must be left to define its powers. To throw it back upon itself by repression is to weaken it at the centre as well as at the circumference. An arbitrary unity in the household which consists in the unquestioned rule of a master becomes, in the progress of events, the occasion of a deep division, which may be hidden but cannot be removed. This narrow view of the household precludes the full gain of her unfolding social life. Reconstruction falls to the household in common with all other things.

It is objected, more superficially, that women do not render military duty, that they do not protect the state, that they would be unable to enforce any law whose passage they had secured. This objection rests heavily back on a dark and distressful past. As long as physical force is not simply the last resort of the state, but its underlying law, its criterion of right, this line of argument holds. When, however, the primary adjustments, and the great majority of adjustments, within and without the state, rest on intrinsic fitness, are instituted in protection of what we deem personal and collective rights, then this reasoning grows weak and ought to disappear. To offer these considerations in permanent estoppel of the claims of women is to exclude them from the gains of a growing good-will which

makes the world infinitely better for us all. Men are not judged by this test. A large share of male citizens in our country are exempted from military service; and all of them are exempted during a portion of their lives. This fact is not thought to incapacitate them to render other forms of service to the state.

Women have interests identical with those of men in the safety of the nation, in the enforcement of its laws, in the preservation of peace, in the waging of war. Her convictions, her sufferings, her hopes, her claims, are a part of the problem to be dealt with, and are better dealt with when they gain the fullest and most rational expression. Society no longer rests in such an exclusive way on physical force as to make it the controlling consideration in adjusting the interior dependencies of our civic life. Women are also taking ever more an important part in war, bearing and reducing its sufferings. They win in the rear of the army and in its hospitals the right to intervene in counsel.

Probably the objection which least admits of forcible statement, and yet for most minds is as influential as any other, is that which arises from the conventional ideal of womanly character. If the highest ideal is inconsistent with interest in political duties on the part of women, and a personal discharge of them, then we may be assured that the progress of years will tend toward her seclusion from public life, not toward her participation in it. But the force by which this inner fitness of things asserts itself can be left, and must be left, to declare itself in its own measure and form. We must be very sure of our ground before we can wisely employ so rude an instrument as civil law in sketching the out-

line of perfect character. To restrain women in these weighty forms of action is to assume that a participation in civic rights is an obvious and mischievous impropriety. If it is not such an impropriety, the legal restriction which implies it is exceedingly offensive — as offensive as that which attaches to a law prohibiting a minister of the Gospel from holding civil office.

Is there any inner ground of reason in the ideal of loveliness which interposes itself between women and a participation in public life? Doubtless there is in some phases of society. For the same reason that we regard with aversion the direct participation of women in the carnage of war, should we regret to see her take a hand in politics, in themselves unseemly and debased.

Men and women alike, and women somewhat more than men, are marred by corrupt methods. Yet here lies the gist of the argument in her behalf. The full redemption of our political life calls at once for a correction of method, and an improved temper in those who guide it. An evil cannot be urged as an objection to the very means which are fitted to remove it. The claim of women to the free exercise of political rights lies, as a whole, in the line of a more seemly and considerate use of those rights. All improvement brings with it, in its earlier stages, some undesirable conflict, some bending to uncomfortable labor, some soiling of the hands. These results we accept in behalf of the better time when things shall once more be set in order, and the improved method have become the customary one. It belongs to the very nature of reform that, for the moment, it creates incongruities that are ultimately to pass into higher harmonies.

The ideal which stands in the way of this particular development is not the true, comprehensive ideal about which society is to be built. The character of women, as an ideal spiritual product, suffers more frequently from the want of intellectual and social strength than from its presence in too rugged a form; from an undue narrowness in her experiences of life, than from too much eagerness and boldness in their pursuit. Strength and beauty are in the sanctuary of God, and the heart of women is pre-eminently that sanctuary. Growing power, increasing intelligence, an element of fear as well as of love, are the elements of the highest ideal of womanly character.

We would be cautious in our inferences, but the old ideal has always seemed to have in it a near or a remote taint of licentiousness. Women were at liberty to grow in every direction which left them fragile, tender, and timorous, but not in those directions which rendered them sturdy, self-contained, and resistful. They were not to be as men, a dependent, independent embodiment of a divine idea; possessed of a life that supplemented life, and yet was itself, to its very verge, life. In submission to a more imperious nature and appetite, they were remanded to a position which left them essentially defenceless in the severest struggles of existence.

This question of ideals takes hold of the profoundest changes in our spiritual being, and must be left to work itself out freely under the subtle forms of life. Our ideals are our own experiences softened, harmonized, and brought pictorially to a focus under the clearest light we can throw upon them. The experience and the ideal must expand together, or we shall lose the growth of a living interaction.

§ 12. A second urgent social problem which hinges on the family is that of divorce. During the last forty years there has been not only a marked, but a startling, increase of divorces. The questions arise at once: What are the causes of this increase? How far do they indicate or occasion a breaking down of the ties of the household? What are the remedies of this evil?

Nowhere has this multiplication of divorces been more marked than in the United States. In Germany and in England the movement has been much slower. In France it has been recently accelerated, especially by the divorce law of 1884. The Report of the Commissioner of Labor for 1889 gives fully the statistics of marriage and of divorce in the United States. In the twenty years commencing with 1867, population increased 60 per cent, and divorces increased 156.9 per cent. There was an increase in this period of each succeeding five years over each preceding five. The change was more rapid in the Northern and Western States and less rapid in the Southern States. In these twenty years there were 328,716 divorces in the United States. In 1867 there were 9,937, and in 1886, 25,535.

There is in these facts the plainest indication of vigorous, unusual, and somewhat persistent forces. What were these forces? We are able easily to indicate the more prominent ones. A portion of them have been the unavoidable incidents of progress, and have involved an overbalance of good in spite of the great evils associated with them.

One of the more wide-reaching of these causes has been the current criticism of religious beliefs, and the resistance to religious authority which has accompanied

it. In those countries in which the Catholic Faith — or the prevailing faith — has been least shaken, there has been comparatively little change in the marriage relation. In Paris, where faith is most wavering and uncertain, there is one divorce in sixteen marriages. In this country religious obligation, as a traditional law, has been much weakened, and the sanctions of marriage have been correspondingly reduced. Social sentiment on the religious side has lost its censoriousness, and it has also lost its sanctity.

The various and changeable character of our religious beliefs and religious sects has concurred in this result. No one faith, in the presence of so many forms of faith, attains all the authority that would be otherwise open to it. The tie of marriage has been to such a degree under the protection of the church and enforced by it, that weakness or diversity in religious belief has acted unfavorably on it.

The commingling of nationalities in the United States has also tended to the same result. In a confusion of customs and sentiments, none retain their entire force. There is a loosening in many undesirable ways of the accumulated restraints of centuries. The lax method escapes censure.

Under the prevalence of these influences, the real evil — the injury to the household — has not been so great as the apparent evil. Much wrong in the family has hitherto been endured in silence ; it now openly breaks the bonds it had previously weakened. Says Mr. Lecky, — and very few are better able to pronounce on the facts, — “It is notorious that the lowest standard of domestic morality in Europe may often be found in

countries and in periods in which divorce was absolutely forbidden, or in classes in which it never takes place." We have "no reason to think that morals have been lowered in England by divorce. We have in our present action an open flame in place of a smouldering fire. Ultimate safety is as easily achieved under existing as under previous conditions."¹

The *Spectator* says: "The Union repudiates and puts down polygamy, but two-thirds of its component States maintain a system of divorce which legalizes polygamy under another name."² This statement is made in ignorance of the real causes at work. The relation of the sexes is certainly not more faulty in America than in England. We believe that it is somewhat less faulty. Broken bonds are allowed simply to declare themselves more freely here than there.

A cause of divorce as immediate and potent as that of altered and reduced faiths is the urgent assertion of larger liberty and more comprehensive rights on the part of women. This is perhaps the most important of the influences which are working relaxation in marriage ties. Divorce has been less frequent in the South than in the North and the West. Religious beliefs and conventional sentiments have retained a more inflexible form in the Southern than in the Northern States. When the restraints of the household are those of custom rather than those of reason, when its purity is formal rather than real, we shall find divorce more frequently sought by men than by women, and the alleged cause of divorces to be more often adultery.

¹ "History of the Eighteenth Century in England," vol. vi. p. 269.

² March 7, 1891.

If we contrast two such States as Georgia and Illinois, we discover plain indications that the apparently greater strength of the household in the former State than in the latter is due to evils pushed into the background, rather than to the absence of evils.

Thus in the twenty years of which mention has been made, the whole number of divorces for adultery in Georgia were 1,143, of which 848 were granted to men and 295 to women. These returns show at once that the wrongs of women in this direction had been simply ignored; that they had not dared or not cared to assert them. The supposition that women had actually given more offence, or even equal offence, with men, is preposterous.

If we turn to Illinois, we find that in the same period 7,268 divorces were granted on the plea of adultery, but that 3,530 of them had been conceded to women. Evidently this changed ratio discloses a growing inclination on the part of women to assert their rights—to claim for themselves the protection of law. The number of divorces for adultery in Illinois, with a population about double that of Georgia, is more than six times greater. Here again we may be sure that the divorce laws of Illinois did not primarily occasion this adultery, but were the means of bringing it to light.

The character of this tendency is also seen in the great increase of those secondary grounds of divorce, which women are chiefly inclined to plead, such as cruelty, desertion, drunkenness. The total divorces in Georgia were 3,959; 1,143 were given on the ground of adultery, and 2,816 for other causes. In Illinois, 36,072 divorces were conceded; 7,266 for adultery,

28,806 for other reasons. Thus in the Southern State three-tenths of the entire number were granted for adultery, and in the Northern State two-tenths only. In this multiplication of the causes of divorce, we have, it is true, the very evil complained of, but we have also a fact by no means so discouraging — a disposition to insist on the peace and prosperity of the household as the condition of its permanence. The spiritual life is not smothered up under its physical terms.

That this feeling, and not simply license, is an important reason in the growth of divorce is disclosed in the relatively greater number of women seeking separation as compared with men. The disasters of divorce rest most immediately and most heavily on women. License is far more habitual with men than with women. If, then, the increase of divorce arises from the claims of women rather than from those of men, this increase is not primarily one of lust, but comes in part, at least, from a demand for more equal and righteous terms of life. Women face a great evil in behalf of a great claim.

In Georgia the divorces granted to men and women respectively were 1,907 and 2,052; in Illinois they were 11,240 and 24,832. That is, the claims of women as compared with those of men have increased a hundred per cent. Nothing can be more certain than that this percentage stands for purity and not for impurity. About twenty per cent of divorces are conceded because of intemperance, a fact much in point as indicating the claims of women in the household — their unwillingness to allow even the most sacred law to be used as a dead weight to crush down life.

We do not wish to imply that there are not very

grave evils in these claims for divorce, but that they are, in part, evils incident to a tendency essentially sound and socially corrective. All progress involves some mischief. Our wisdom becomes the retention of the one and the elimination of the other.

One cause of the broken household is that liberty among men is not easily separable from license. License follows on with liberty to confound and corrupt it. Some have thought of the marriage relation, owing so much of its sanctity to religion, as a kind of doctrine, and possibly as a superstition. In canvassing our spiritual convictions this relation also is subjected to destructive criticism, and that only saved in it which is left as the last product of speculation. The question has thus been raised, by those who have prided themselves on breaking with the conventional trammels of thought, whether marriage, being a contract, comes wholly under the law of contracts, and may be made for a limited period.¹

There is in this view an entire failure to understand the true force of human experience as associated with the household. The household, in its purity and its permanence, may be said to be the primary inductive principle in society, which rests back on the entire progress of the race. Religion has seen this relation and helped it forward; it has not established it. It was established when men were made. The family does not, by any logical connection of ideas, share the fortunes of speculative, spiritual truth. However these convictions may shape themselves, the ripened family remains the one

¹ Publications of the National Divorce Reform League, No. 4, Samuel W. Dike.

wholesome fruit of our mundane experience. No fortunes are so interlocked with the fortunes of faith, because both family and faith stand for the vital processes of our lives. Life cannot be weakened without weakening the flow of the affections in all relations, near and remote. Discussions of this loose character, turning on free love, may be symptomatic of changes too rapid to be wholly safe; but they will, in the end, rather strengthen than weaken that instinctive tendency by which we shelter ourselves behind the familiar organic forms of the world. Any social science that fails to recognize the true value of these germs of life which, with their precious powers, are the ripe seeds of all previous time, need hardly be reckoned with as a serious force in our present unfolding.

The lavish expenditure which is so marked a feature of our present social state, affects marriage unfavorably. Marriage is deferred; and when it is accepted, the vexations which attend on straitened means with those subject to exacting claims, tend to make harmony and contentment difficult to secure. Divorce seems to follow usually as the result of a slow alienation which arises from an inability to overcome the hourly friction of lives that but partially conform to each other. Late marriage, and marriage under the stress of expenditure that presses hard on the means of support, tend obviously to increase those occasions of discontent which issue in estranged feelings and broken vows. In the report referred to, the average period of marriages which have led to divorce is given as 9.17 years. This long period shows that divorce is not, in the majority of cases, the result of sudden freaks, violent passions, or ungoverned

lusts, but of a failure to win permanently the conditions of an enjoyable life. The household has not coalesced under the activity and growing interests of the household. The moral forces have been weakened and worn away by the perplexities and vexations of the mere process of living. The want of wholesome and proportionate aims has brought weariness to all relations.

This is also shown by the growing strength of divisive forces in the wealthy classes as contrasted with the poorer classes. The restlessness of society is increased rather than diminished as it comes under less exacting and more luxurious social sentiment. The theatres of East London, frequented by the working-classes or those closely affiliated with them, less readily admit any license or injurious innuendo than do the theatres of West London, sustained by those who possess wealth and social position. There is here to be seen the influence of luxury, so dissolving to moral ties. But luxury is only one phase of the temper which gives supreme potency to the external conditions of life. The domestic life of the *bourgeois* in France rests on a sensibly firmer and better basis than that of those thought to be in advance of them. In the degree in which our conjoint life is developed early and freely from its own primitive centres does it seem to be vigorous and wholesome. Club-life and hotel-life, almost wholly confined to those who are swept strongly in by the social current, are often very much at war with the quiet, sweet domesticity of the household.

The industrial gains of women, in so many ways advantageous, make them more independent of marriage, less inclined to accept it under undesirable forms, and

less willing to endure the hopeless evils that may come with it. An economic development, however gainful in itself, that outstrips the moral forces that should work with it, is sure to bring some new inconvenience. Our industrial life, awakening strong ambitions, giving occasion to deep divisions, calling out inferior motives, and diverting the eye from the chief excellences of manhood, throws unusual strain on the household, the source of our better inspirations. We can reach the harmony of a higher development only by restoring harmony to this lower development. In our great cities, where the economic currents are all-embracing and rapid, they easily sweep in and tear asunder the household.

Laxity of law, in some of our States, has been regarded as an important cause of the increase of divorce. These lax laws seem to be effects rather than causes. The report of C. D. Wright shows that eighty per cent of those divorced are divorced in the State in which the marriage took place. If we consider the changeable character of our population, the fraction of persons who have sought a State to avail themselves of its lax laws will be seen to be very small. Though loose laws are a symptom of the disease, they are but a very secondary part of the disease itself.

Nor is the disease so much a real weakening of organic forces as it is the embarrassment of these forces by new conditions, some of them desirable, some of a mingled character, and some undesirable, though we may trust transient. On the whole, the frequency of divorce is simply a call on society to readjust itself to fresh and larger terms of life.

§ 13. This fact, which may quiet our alarm, should

by no means lead us to overlook the mischiefs which are arising from present maladjustments, nor to abate our efforts to remove them. Any real weakness in the marriage relation is an incipient decadence of all social ties. Children lose nurture, lose social position, come under a cold conventional sentiment; and go out into the community as waifs — leaves that have fallen from a withered tree. Women suffer at once and severely in character and in position. They are unseated from the true throne of spiritual authority. The purity and loving power of motherhood, its ability to overcome evil with good, to vanquish sin by bearing its brunt, are gone. The wife and mother, losing her invincible grip on the eternal order of the world, is thrust out to battle in a confused way with moral forces helplessly commingled, obscure, and malignant. The very best attainable results are only partially redemptive, — the casting of a cloak over evils which cannot be forgotten, — and the worst are altogether devilish.

Though the retribution of license comes less directly, and more leniently, to men in their social relations, it comes to them with even more severity than to women in its subversion of all pure, generous, and just impulses in the soul itself, in its levelling of the spiritual life to the very ground. They slip off the basis of purified affections, and are driven hither and thither by restless, insatiable impulses which they can neither accept nor cast off. The slow growth of centuries has fenced in the household from the hoofs of unclean beasts, not as creating something, but as sheltering the only truly creative process in this human world of ours. Religion has cast over the household its holiest sentiments, as

finding therein the most significant interpretation of the divine mind.

The reduction of the moral and spiritual sense, incident to every action and every method which come under the censure of impurity, is of the most fatal character. The soul cannot be entirely wholesome and sound in any portion of its life till it rests, in peaceful poise, at the very centre of its being, on those ties of kinship with which all other ties are interwoven. The terrible cost, the unspeakable injustice toward women, under which this sanctity of the home has been won, should make us most cautious in parting with any portion of our gains—gains which we may purify and complete, but cannot diminish without being compelled to purchase them again at an enhanced price.

A consideration of the remedies for the growingly lax relation of marriage throws us back at once on the intrinsic and the formal causes which are producing this result. Moral and religious motives, in shifting their grounds, lose for the moment something of their force. This inevitable tendency we must recognize and resist. Our freedom should lead us to understand more profoundly and handle more vigorously the spiritual conditions under which we are at work. As immutable in temper as is the spiritual universe, so immutable are these its primary truths. We need to deepen life, that we may deepen the hold of life upon us.

Changing economic and social conditions are demanding a new, freer, and better rendering of the household. The fact that household relations need to be reinterpreted may, for a moment, in our hasty thought, disparage them for us. On this reinterpretation we should

enter with a clear sense of the worth of that with which we are dealing, and also of the inestimable value and vitality of the fresh, germinant impulses which are being brought to the home. Once let higher inspirations enter the relation between husband and wife, and the new type will surpass the old type in strength as in all worthy quality. Generous and just social changes must go forward, and must go forward together, as the condition of renewed functional life in each social organ. We may well rejoice that the causes of the existing evil attend on an organic process, rather than on a diseased one, and that we have only to hasten forward reconstruction.

There are, however, formal as well as intrinsic forces at work, and we must treat these according to their nature. In doing this we are brought to the relation of civil law and sound morality. Many other social questions cast us upon this same inquiry. Says Leslie Stephen, in his work on Ethics, "Chastity and fidelity are not to be made by any law."¹ This assertion, as also many a kindred dogma, is one whose truth seems expressly designed to prepare the way for error. Wise laws express moral sentiments in their most effective forms. With the mass of men there is no other fully effective form. Their standard of morality, their sense of what may fittingly be, is the law of the land. Those also who are vicious in their tendencies are restrained in part by the law; and when unrestrained come under the censure of the law, and so do not reduce by their action the common standard of right to the degree they otherwise would.

¹ Page 133.

The process by which sound law is secured and enforced is a most wholesome moral one. Moral vigor cannot show itself, nor increase itself, otherwise than by aiming at the restraints of law, when these restraints are applicable. Right form and right substance are ultimately inseparable in action. The one cannot exist long without the other. Any indolent disparagement, therefore, of appropriate law in favor of moral force is alike against the substance and the form of virtue. Fit and uniform laws would be with us the most direct and adequate expression of sound and pervasive sentiment.

Law in the past has brought two somewhat distinct forms of protection to the household. The one has lain in defining and enforcing rights, as between husband and wife, in the household; the other in maintaining the existence of the household, — the force of the obligations on which it rests. The duties of the husband and of the wife in reference to each other are so pre-eminently personal and moral, repose on such a basis of equality and liberty, that the law cannot well intervene. Its intervention has looked toward the peace secured by power, rather than by the reconciliation of rights. The law may provide for the safety of the person and define respectively the claims which arise from holding property in common; but it can do nothing, or next to nothing, in protecting within itself the unity of the household. Separation, undesirable as it may be, is not more undesirable than coerced cohabitation. There is neither a social nor a civil gain in perpetuating what Browning has termed "Dog-snap and cat-claw, curse and counter-blast." The moral prob-

lem of household economy must, from the necessity of the case, be left to the moral forces involved in it. To perpetuate the household simply as a means of tyranny to one of its members looks toward no blessing whatever.

If the husband and wife have both liberty, and exactly the same liberty, the distinction between limited divorce and divorce may well disappear. Separation is thus open to either at any time. Divorce, when it is granted, wholly dissolves the contract, and for both alike. The law deals directly and singly with the contract it has confirmed and with the conditions which dissolve it. The legal and the moral relations are thus kept apart, and each does its work the more perfectly.

fair. Marriage, as a contract which involves wide-reaching social and civic effects, may well come under the severe scrutiny of the law. These effects, rather than individual pleasure, must define the terms on which the contract can be dissolved. Yet these terms are to be settled on distinctly social and civil grounds, not on sentimental nor moral nor religious ones. These latter reasons will always rise higher, sink deeper, and have a wider force, than those which govern the state. A law that is capable of enforcement, that gives rough yet adequate protection to social interests, that is practical by including in its aims the best possibilities of time, place, and people, that interposes a real obstacle to license, that compels caution in the formation of marriage and confines as closely as may be the evils of broken marriage vows to those who have violated them, is all that the state can undertake to provide. Its office is to shelter,

as best it can, the leading interests entrusted to its protection. It cannot offer a perfect ideal, nor prevent a waste of well-being on the part of those who have looked to their own interest too negligently in the ties they have formed.

In doing this there will inevitably be a division of sentiment as to what violation of marital duties may be justly pleaded as a ground of divorce. Adultery, felony, habitual drunkenness, desertion, seem so plain a dissolution of marriage as to justify the removal of its obligations. Beyond this we go with difficulty, and go in safety only in clear recognition of the particular social state with which we are dealing.

§ 14. The second division of social customs is made up of those which define the relations of classes to each other. These customs are still of great moment, though they pertain, in full force, to less developed rather than to more developed periods. The distinction of classes rests on diversity of physical and intellectual endowments, on race, on conquest, and on wealth. The differences incident to this variety of powers and relations, when they are defined and sustained by customs, constitute classes. These customs do not simply support the differences which give rise to them; they tend to set them definite limits, and so far to restrain them. If the custom springs out of tyranny, it in turn restricts tyranny. Relations bad in themselves are made bearable by customs which define and soften them. Conduct, on either side, comes under control and settles down into order. Under these determinate terms, society takes up its eternal problem how to sustain existing lines of organic force and how, further on, oftentimes

II

much further on, to reach a more personal and moral basis. Customs which order the relations of classes to each other, deeply penetrating daily life, become, on the one hand, a new starting-point of movement, and, on the other hand, the most powerful barrier to progress.

In countries in which they exist extensively, as in India, society is completely fettered by them. Every possible movement is anticipated and thwarted. Such customs, the results of years of violence, can hardly be broken down otherwise than by violence. The official census of India gives by name 19,044 castes and subdivisions of castes, limiting social intercourse in every conceivable way. Caste thus becomes at once the full expression and complete arrest of the organic force.

The Feudal System gave rise to customs in a much simpler and more restricted form, which it has, none the less, taken many centuries to break down.

§ 15. What we term the negro problem is one of class customs, resting on slavery and on race-prejudice. The difficulty lies in harmonizing wide social differences with civic equality; it lies in softening down the social customs which spring up along a line of such deep division. Social customs are ready to anticipate and destroy civil liberty. The trouble is one of sentiments — sentiments which have hitherto been at liberty to define and defend themselves by civic institutions, but have now lost their familiar method of expression. This new embarrassment can be overcome only by a thorough recognition of the authority of rights in civil relations, and of sentiments in more personal social relations. If we cheerfully accept justice in the first connection, we shall meet with but little difficulty from the freedom

*civil vs religious relations.
civil vs social relations.
social vs religious relations.*


of feeling in the second connection. It has been a long, hard struggle to separate civil and religious rights from each other, giving each its own field. It is a hard struggle to sever inveterate social sentiments from the primary relations of men to each other in the state. Both these divisions are, in a measure, arbitrary and undesirable. They prevent the most complete organization of society; but they are far better than that confusion of social and civil rights, of personal and collective liberty, which follows at once from commingling religious and civic, or social and civic claims.

If civil rights are freely yielded to the blacks with a liberal interpretation; if justice is allowed its entire claim in public relations; if social connections are left to shape themselves under social sentiments, dignity and courtesy holding sway, the negro problem is reduced at once to its lowest terms, and will ultimately pass out of sight. The personal relations incident to liberty are neither so intimate nor so embarrassing as those which attended on slavery.

very good.

The great obstacle to immediate improvement is that intelligence and virtue have lost, in part, the public influence which properly falls to them. The mutual wrongs of reconstruction and the association of influential citizens with injustice have robbed them of their prestige. Let men of all classes be secure of justice, and they will make shift to bear the foibles of feeling which they themselves more or less share. Kindly and persuasive influences have lost force because of the violent rupture of civil relations. Taken all in all, no race is more concessive to real superiority than the negro race. The civic conditions of the South have, by the

force of circumstances, been thrown far in advance of their social ones, and the victory lies not in retreat, but in softening social asperities till they shall cease to embarrass the state. The economic and the civic machinery might be made slowly and painfully to revolve, if good citizens would not constantly cast into them sand and gravel. No new thing, only an extreme thing, has happened to the South. Its growing industrial strength, if it be tempered with justice, will be a powerful assimilating and corrective force.

 § 16. A third class of social customs are manners. Manners fall into two divisions: special or ceremonial manners, general or social manners. Ceremonies lie between classes on special occasions. Manners lie between persons in ordinary intercourse. Ceremonies, uniting themselves to the customs which divide man, are important or unimportant according to the depths of these divisions.

Early and tyrannical governments sustain themselves in connection with ceremonies, and have been termed ceremonial governments. A disregard of prescribed forms might become a capital offence, as we see in the story of Esther.

Ceremonies in our time gather almost exclusively about courts and state pageants, and justify themselves to the public mind, partly by the definite order which they secure, and partly by the glamour which still clings to them for the most of men. Jefferson, in his extreme democratic sentiment, strove, as President of the United States, to abolish all ceremony, all rules of precedence. But the sense of social differences was still so much stronger than that of intrinsic worth, that the

result was to most men ridiculous rather than dignified. With an increasing diversity in the distribution of wealth, ceremonial manners creep in as certainly as lichens and moss cover the moist rock.

Manners are a subdued, and more or less fantastic, code of morals. With many they have a wider application and more force than do morals. They embody themselves in voluminous and growing codes of etiquette. They amplify rules, frequently just, but often arbitrary and frivolous. They put in place of each man's sense of fitness and good-will conventional methods whose neglect is a social offence. It is true here as elsewhere that one cannot serve two masters. A vigorous moral sense will frequently break through the laws of etiquette as mere social cobwebs; and those who convert their attenuated threads into tenacious fibre will frequently forget the weightier matters of the moral law.

Manners are chiefly entrusted to women for elaboration > ? and enforcement. This arises from a variety of reasons in the organization of society. Women have the keener, more cultivated sense of propriety, and have more frequent occasion to appeal to it for protection. They have been and still are much restrained in the circle of their activity. They inevitably struggle, therefore, to make the most of what falls to them. They are the ruling powers in the household, and the household in its inclusions and exclusions is the authoritative test of social position. From this centre the distinctions attendant on manners go forth, and to it they return. The wider relations and interests of business do not allow men to lay stress on divisive and irritating punctilio. The careful confinement of etiquette to interior

social ties, and its relaxation in external ones, has a reason in the fitness of things ; yet the results, as in most cases, are constantly reaching beyond the reasons, and affecting unfavorably the character of those who are assiduously building up the minor proprieties of life. A wider range of motives would lead to a decisive improvement of manners themselves, and to still greater gains in the mental force of those who direct them.

The purposes subserved by manners and the dangers incident to them are far too important to allow a wise man to despise them. When there are marked social divisions in society, good manners tend both to sustain and to soften them. We adapt ourselves to the inevitable, and by so doing make it the more bearable. Good manners are not unlike the speedy growths with which nature soon hides the ravages of fire and flood.

Manners restrain rudeness, coarseness, and indecency. Their efficiency as a social police is astonishing. They do without observation by obscure motives more in many directions than can be accomplished by civil or by ethical law.

They give the most fit expression to good-will, and so serve to increase it. The best form imparts to the underlying impulse the fullest force. They arise also in gratification of an artistic tendency. Courtesy becomes a fine art, and, taken with sound conduct, is the most beautiful expression of human life. Kindly manners, systematically enforced, as with the Japanese, are closely allied with morals, even though they may at times fall signally short of them.

Good manners so relieve the friction of intercourse, and remove so many secondary obstacles to success, that

they often become a marked economy of one's resources, and, without taking the place of higher acquisitions, prepare the way for them.

Manners, as prescribing the standards of living, the forms and degrees of expenditure which define classes, are powerful economic forces. Men resist with their utmost strength a reduction in the form of living which sinks them to a lower class, and are especially stimulated by outlays which raise them in rank. What seem to be the accidents of life are frequently among its most potent forces.

Manners command attention because of the large amount of action affected by them. To most persons they are a more omnipresent law than morality. They also call for the more scrutiny as they so easily become fantastic and tyrannical. This is especially seen in connection with fashions, which are closely associated with manners, and are enforced by the same authority.

Manners may readily oppose themselves to our higher spiritual impulses, and may do it in so subtle a way that we shall hardly be aware of it. Church decorations and Easter flowers in the very presence of unrelieved human want are a misrendering of the mind of Christ. } !!!!!

§ 17. Amusements offer a problem closely associated with manners. Like manners, they indicate the tone of our lives, and, in much the same way, modify that tone. Amusements are popular and professional; those which the people provide for themselves, and those which are provided for them. The first, as more universal and spontaneous, and standing in closer connection with the lives of those who enter into them, are, of the two, the more important.

It belongs to fitting amusements to give pleasure, to afford relaxation, to promote physical health, to be free from excess, and not to call out reckless, lascivious, or brutal impulses. It is very difficult to separate excess from pleasure. A large share of the censure which, at different periods, has come to popular amusements, has found its justifying reason, not in any necessary or intrinsic evil, but in the excess which has overtaken them. When we revive a discarded popular pleasure we are often able to do it safely because of the very condemnation of it by those whose opinions we are ready to ridicule. We avail ourselves of the balance of life which they have restored.

A passionate and even a brutal impulse are very easily associated with amusements. This passion is mischievous when it attaches to a narrow, professional circle, as in gladiatorial shows, bull-fights, and prize-fights; and quite as mischievous when it blunts the sensibilities of large classes to any of the finer appeals of human sympathy, as in fox-hunting and foot-ball. If a young man cannot afford the strain and risk of foot-ball, then no thoroughly appreciative person can afford to see him subject himself to these unnecessary demands. A game which imposes excessive exertion and an instant acceptance of every danger, and makes an eager multitude, which shares none of these exposures, exacting to the point of cruelty in reference to them, can hardly do otherwise than inflame the mind on its more passionate and brutal side.

The weakening, by all extreme amusements, of the more delicate bonds which unite us, is seen in the irresistible tendency to deepen the strife and enhance the

Foot-ball.

excitement attendant on them by betting. The heat of the combatants runs through the crowd as a gambling furor, and makes all alike forgetful of the more generous sensibilities that are being trampled under foot. The concomitants of a conflict often express its interior temper quite as much as the decorum of the conflict itself.

One connection which has made us unfair judges of popular amusements has been their association with athletics, and the fine enforcement of bodily vigor found in the history of Greece. There are several points in this connection which we confuse. The Greeks, especially in their more prosperous period, aimed at personal and national development. They discouraged professional champions and dangerous methods — as the armed glove in boxing. Precisely as these undesirable accessories gained ground, the amphitheatre and the arena, as in Roman life, were substituted for the popular assembly and the open field. The gymnastics of the Greeks were good, and remained good, so far and so long as they united themselves to universal national development, so far as they were held in subjection to the more vital interests associated with them.¹

We are also to remember that physical strength, though it is nourished by severe athletics, is, in a large measure, expended again in the same process. This strength is to be distinguished from that health which brings forward the body in the best condition to meet all the varied demands laid upon it. Severe exertion throws the full current of life in one direction; it deepens it and consumes it by a single movement. Re-

¹ "Essays on the Art of Pheidias," Ch. Waldestein, 2d appendix; "Social Life in Greece," J. P. Mahaffy, p. 337.

strained exercise affords relaxation, restores the tone of the system, and leaves it ready for the widest and most general exercise of its powers. Athletics which approach professional performance are unfavorable to those highest possibilities which inhere in simple health. What the athlete gains he uses up in exacting work, and leaves only a small remainder of nervous energy to be employed elsewhere. This method also tends in a community of young men to concentrate training on those who best respond to it, and make the majority idle spectators of what they cannot emulate. Thus, in place of wholesome, wide, and sympathetic sports, we have severe contests between the few whose personal powers and proclivities admit of them.

The temptations of amusements are always recurring, and are to be met only by an ever-enlarging conception of the fulness and harmony of life, by respecting in all our action the manifold claims which rest upon us.

CHAPTER II.

CIVIC CUSTOMS.

§ 1. Four forms of action may be designated as civic customs: economic customs, portions of constitutional law, judicial law, and portions of administrative law. Nowhere do customs unite themselves more closely to distinctly devised and voluntary methods of action, than in civics. Nowhere are customs more habitually reshaped under a direct apprehension of what is fit in action. Customary law and statute law are in constant action and reaction on each other. Customary law is modified by enactments, and enactments are shaped into harmony with customs. Law roots far back and deep in the soil of custom; but this soil has been formed and fertilized by much thoughtful consideration of the results of action. In civics more than elsewhere the instinctive, the familiar, stand in close dependence on the rational, the free. In the development of the state, reason enters early and is ever gaining ground on blindly organic forces. Custom in law has a higher quality, is more transparent, more permeable to the light of thought, than elsewhere. It is thus less capable of a distinct treatment as custom simply. It is almost by a figure of speech that we call a profound judicial decision a custom. It does, indeed, stand in continuation of long lines of familiar action, but it is also shaped in a clear view of the fitness of these actions, and unites them to each other and to immediate objects.

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So true is this that we can better consider the social bearings of constitutional and judicial law in connection with Civics than in connection with Customs. The rational elements weigh more in it than do the instinctive ones. We pass, therefore, lightly the customs that are involved in the meshwork of the law with a general notice of their character, reserving the relations involved in them for a fuller treatment under Civics.

§ 2. Economic customs consist of the familiar forms which business assumes, and under which its obligations are enforced. The civil law adopts these customs in framing its decisions. The law, in accepting an obligation, a property right, accepts also the methods under which that right has attached. Custom defines the forms of honesty, the stage at which a contract becomes binding, reasonable care in handling and keeping goods, in what delivery consists. The civil law recognizes these customs — occasionally redefining them — as the conditions which determine the legal obligations present in them. Law cannot, in a wide field of complex action, reconstruct methods; it must work under the methods already familiar. Thus a large amount of commercial practice gains for itself the force of law.

In economics, as elsewhere, the earlier periods are periods of custom. The form defines the relation as much as the relation the form. As long as men were associated in the village community, they had, in reference to each other, some definite standing. These connections were looser and less kindly than those of the household, but not unlike them. "In early English life every man belonged to a parish or a manor, and had a

stake in it.”¹ The stranger must form some distinct connections, or he was wholly alien to the life about him. He was not received into it except in a specific way. The landless man, the man not united directly or indirectly to the soil, was an outlaw, in the wider sense. As custom defined the dependence, it defined also the mutual services included in it.

As communities increased in numbers and individualism became more pronounced, customs were weakened, and the relations of man to man came under more general influences. Rent, which in the outset was a strictly customary claim, fell under the law of competition. It rose twelve times in the seventeenth century, and came to assume the ugly form of rack-rent.² With the dissolution of the kindlier ties, competition came in to take their place. It first found expression in periodical markets, where many, from remote communities, met for mutual exchange. In these large and transient assemblies of comparative strangers local customs were no longer applicable, and each man did the best he could with his goods — the bounds between cheating and fair trade being much obscured.

We have come to look on competition, which found entrance in connection with these less intricate and responsible relations, as a kind of natural law, authoritative and fundamental. As it came with a change of circumstances, it may, by a farther transformation of society, be limited in its scope or pass away. Competition is itself a law of custom, incident to active, wide,

¹ “Economic Interpretation of History,” J. E. Thorold Rogers, p. 295.

² *Ibid.*, p. 463.

and eager productive relations. It is variable in form, ranging from a kindly emulation in productive labor, ensuring general prosperity, to an intense struggle, in which building up and pulling down are the counterparts of each other under the single law of the prevalence of superior sagacity. There is nothing whatever in competition, the existing custom of commercial communities, which exempts it from searching inquiry both as to its economic and its moral force. Indeed, there is a presumption that real progress will bring higher impulses here as elsewhere.

§ 3. The earlier forms of constitutional law are almost exclusively those of custom. Instinctive, organic forces first prevail. Men have not wisdom enough, nor sufficient coherence in reason, to devise and enforce government. Earlier customs looked to the safety of the ruler. This was the primary necessity, and this involved and led to the safety of the subject. No government can be absolute. The sovereign can execute his will only through servants. These agents of his wishes have their own interests and inclinations. They can never be a simply neutral medium between the ruler and his subjects. Their own personality enters into their work. Power meets with new limitations as it passes outward in each wider circle of activity. It defines itself afresh under the possibilities offered by those who receive it and carry it forward. Habitual feelings, familiar methods, customs, define at once its character and progress.

Earlier governments are necessarily conceived on the side of the interest of the ruler, rather than on that of the welfare of the citizen. Services are rendered for

the general safety in the form of strengthening the king; through him, all prosperity flows downward to the people. This simple personal relation is slowly clothed with all those obligations and restraints by which it is transformed into a constitutional government, embracing and sheltering innumerable interests everywhere. It is this slow constructive growth of customs and devices, this weaving together of circumstances and men's thoughts concerning them, which make the development of the English Constitution so interesting and instructive.

No matter how closely, instantaneously, and absolutely a constitution — like our own constitution — may be ordained, it still remains dependent on custom, first, for its original fitness; secondly, for the energy and safety with which it will pass into execution; and, thirdly, for those farther expositions and modifications by which it will suit itself to existing and to changing circumstances. Customs are as inescapable in the community as are habits in the human body.

§ 4. The theory of judicial law is that the decisions of the courts are simply the expression of existing laws, of customs that have immemorial sanction. These laws are customs, as they have never been enacted, but have been slowly defined under the progress of the interests and actions which they concern. Men's minds have come universally to accept them under the growing force of experience. This theory covers the great majority of decisions, but not the most significant ones. These arise in reconciliation, modification, or redirection of customs. Yet these changes, if well made, are made with no apparent breach of continuity, since the better

judgment is evolved by giving greater force to one or another legal principle which contains the key of the position. The wiser rendering is merely a more profound unfolding of the social and legal force of events.

The power to penetrate to the core of legal maxims, in order to elicit from them a new phase of growth, suited to existing wants, is the power of a great judge. The development of judicial law is, at bottom, a moral unfolding of society on the side of its civic obligations. The ethical element is uppermost, though it is at once sustained and concealed by existing relations, social necessities, and economic claims. Customary methods and moral forces are woven together in the even, firm, and serviceable fabric of civil law. Ethical reason contends with social inertia, and the two flow on together through all the doublings and depths and shallows of legal prescription. This process has found full expression in three great channels of law: Civil Law, Canon Law, and Common Law. Other developments have been contributory or secondary streams.

The theoretical excellence of law is much superior to its practical results. We are astonished at the subtilty, force, variety, and justness of its conclusions, and are equally astonished at the delays, perplexities, and injuries of law in its actual administration. This ineffectual strife of reason and custom will claim farther attention under Civics.

§ 5. Much of the inadequacy which marks the history of law has found entrance in connection with administrative customs. The temper in which law is administered is even more efficacious for good or for evil than the letter of the law itself. In the use of the law, cus-

tom gains its greatest authority. The details of processes, almost necessarily complicated and easily becoming more so, are sure to take on familiar methods—methods which become identified in men's minds with justice itself, even when they most embarrass it. A court-room, by virtue of customs which most men have ceased to question, may become a place in which legal acumen raises technical distinctions, and wrangles over them, and holds justice at bay by means of them, rather than a place in which justice, with sure, precise, and rapid steps, reaches its object.

Perhaps no better example can be given of the manner in which the meshes of law—like a net dragged over shallow places—gather obstructions, and are caught and broken by obstacles, than the very complex and legally acute system of practice which arose in English courts. Its astuteness at length became fatal to its efficiency. The skill that grew up in connection with the use of the weapon thwarted the straightforward and downright blow. Law became a thing of fence in which the skill of the practitioners was more conspicuous and more interesting than the merits of the case. Methods which were designed to hasten and make safe the processes of law may thus become occasions of obstruction. Legal custom and legal temper are identified with methods which are easily used, and constantly used, to embarrass justice. The judge becomes an umpire whose first duty it is to enforce the law of the game; it is only a secondary duty to guide it to a prosperous issue.

Nowhere do the incrustations of custom form more readily or with more undesirable restraint than in pro-

Is it equally true of the U.S.?

fessional action. Nowhere do they assume more sanctity in the eyes of those subject to them. Nowhere is exterior criticism more sharply rejected, and nowhere do these embarrassments need to be more frequently cleared away, that the processes of life may become once more simple, sympathetic, and effective.

CHAPTER III.

RELIGIOUS CUSTOMS.

§ 1. RELIGIOUS customs are of two forms, rites and observances. Rites are religious acts ordered by the officers of religion, or under their immediate direction. Baptism, the Mass, ceremonials of worship, are rites. Observances are religious acts of a less definite and prescribed character, left in their performance to the discretion of the individual. The keeping of religious festivals, the regard of Sunday, and attendance on worship, are observances.

Customs pre-eminently show their subtilty and constructive power, and their ability to resist change, in connection with religion. Two very conflicting feelings take possession of us in the presence of extended religious observances. We are deeply impressed with the volume and uplifting force they give to the profound but obscure feelings of the human heart, the degree in which they accentuate and accumulate sentiments otherwise fugitive and ineffective, the vigor of a religious life made palpable and masterful by means of them; and, on the other hand, we see how easily these rites become formal, empty, deceptive, the hard shell of a faith whose vital force is dormant, or has disappeared. While at times they are the highest possible expression of spiritual impulses, at times they divide and subdivide and spread widely over the actions of men with

little power to call out and correct the affections. Nowhere is the universal struggle by which form and substance, the instruments of life and life itself, are kept in harmonious dependence on each other, more manifest than in religious customs.

§ 2. Rites and observances — which glide into each other as in a liturgy — arise in expression and extension of religious feeling. It is difficult to voice appropriately and collectively religious faith. The method of worship and the language of adoration must divorce themselves from the feebleness and superstitions of the individual, and take on pure and commanding utterances. This is accomplished by the rites of religion, shaped to the most devout sentiments of those who employ them.

They also arise as a means of giving the most social authority to faith. Collective worship must have methods, bringing into harmonious expression the feelings of those engaged in it. The rites of religion help to make clear and concordant the ideas of those who employ them. They also gain by use and association a force which identifies them more and more with all that is sacred and touching in human experience. They acquire a growing wealth in the unfolding life of a community.

They serve also to extend religious authority. Ecclesiastical rule is quietly administered in connection with them. The Catholic Church, the most powerful of organizations, owes a large share of its influence to an elaborate and imposing ritual. Its numerous and thoroughly organized clergy could hardly find an adequate reason for being, or a means of contact with the popular mind, otherwise than through the administration of its ritual.

It is by means of its ritual that the Catholic Church touches and gives color to every solemn moment in the experience of the devotees of faith. A very distinct religious sentiment, and one that carries with it the authority of religious ministrations, is woven into the entire fabric of life.

Religious customs also spring up in extension of religious systems. A faith gains form by means of them, and a form which is capable of a visible and ready transfer. The bounds of the religious life are laid down, and it is easy to give it formal enforcement. There is something present to satisfy the sensuous impulses, and become a visible sign of spiritual victories. Men are not left to an impalpable life of faith too subtile for them, but are brought to the immediate performance of definite acts, open to the rendering of all. A faith, simple in its forms of worship, stripped of salient features, making its appeal directly to the thoughts of men, suffers disadvantage and lacks organizing power in dealing with the masses.

§ 3. Religious customs pre-eminently need, if they are to enlarge and correct the life they enclose, perpetual improvement. Of all customs they are the most conservative, the most difficult to develop in new directions. They lack a perfectly plain, practical basis. They fulfil subtile and remote ends. They are slow and hesitating in their formation. They are oftentimes the product of many centuries, and owe much of their fitness and influence to historic associations. These facts make it hard to meddle with them. They seem to have arisen by a force quite beyond ourselves, and to have created the life they watch over. Men humbly submit themselves

to them rather than boldly criticise them. Criticism, when it arises, becomes almost immediately destructive and revolutionary. Overthrow is easier than serious modification.

These rites are primarily addressed to the feelings. The reasons which sustain them come in connection with sentiments. But familiar rites more and more possess and control the heart, and are thus kept strong and whole within themselves. It is not easy to alter feelings, keeping within the domain of the feelings themselves.

Personal impressions have also much to do with the perpetuity of rites. A spiritual tendency, by virtue of the spiritual interpretation it carries with it, will bear men in matters of ritual in one direction or another, irrespective of the ordinary forms of judgment. The question is not as to the impressions which may come to indifferent minds, but as to the sentiments called out in those distinctly predisposed to a given form. Thus the Tractarian Movement in Oxford carried J. H. Newman into Catholicism, Pusey into High-churchism, Keble into a strenuous form of devotion, F. Newman into Theism, and Mark Pattison into Agnosticism. The force of ordinary religious convictions and customs once broken, the tendencies became dispersive. The final results are to be judged, not by any absolute standard, but in connection with the proclivities of each person.

§ 4. It thus happens that the religious life becomes almost unavoidably one of the most conservative forces in society. It fails, by virtue of the very strength it has already achieved, to recognize the new impulses that are urging themselves upon it. Social reform rarely finds its first impulse in current religious belief.

The more ritualistic is a faith, the less able is it to accept and perform a new service.

“What, broken is the rack? Well done of thee!

Did I forget to abrogate its use?

Be the mistake in common with us both!

One more fault our blind eye shall answer for.

Down in my book denounced though it must be

Somewhere. Henceforth find truth by milder means.

Ah, but Religion did we wait for thee

To ope the book that serves to sit upon

And find such place out, we should wait indeed.

That is all history.”¹

¹ “The Ring and the Book,” Robert Browning, p. 41.

CHAPTER IV.

CUSTOMS AND REFORMS.

§ 1. We are now prepared to see the part customs play in social development. They express the primitive, instinctive, organic forces among men. Men are gregarious, and the form this fact assumes is that of customs. Customs are the basis on which all the later laws of society are built. Reason starts from customs, gets footing by means of them, and returns the fruits of its own work to their protection and enforcement. Customs relieve reason of the burden of the work it has already done, and puts it at liberty to do farther work. They give restfulness to social strength. They are what habits are in the body of man, storing up its acquisitions of skill.

Customs govern the masses of men, with whom reason is not an immediate and sufficient authority. Reason extends itself from its living centres in the minds of a few, by virtue of customs, till it reaches, at length, the least intellectually vital strata of society. Men keep step with one another and march as one solid body by virtue of customs. They share obscure feelings when they are not able to share clear convictions.

Customs stand for the past. The growth of the past, the social and moral achievements of the past, are represented in rectified and purified customs. The conservative temper is deeply aware of the safety and

strength which usher in customs, and reverences them as the custodians of all sacred things. Perhaps no one has had a more penetrative insight into the customs which lie at the basis of the English constitution, or has held them in more awe, than Edmund Burke. This feeling, grounded in the deepest reason, quite transcended reason and became a blinding sentiment.¹ The shock of the French Revolution to the sober mind of England was so great as to repress the earlier enthusiasm called out by the pursuit of liberty. Revolution, passing certain limits, dissolves the force of customs, becomes the sport of passion, and sinks into lawless cruelty. Every restraint suddenly gives way, as in the breaking up of an ice-floe. Social and moral forces cease to act in their wonted ways, or with their wonted energy. All ties are loosened. No matter where one plants his feet, the usual supports fail him. There are no sure grounds of concurrent action. We are not aware of the many expectations, the various forms of confidence, the familiar and reliable methods by which society is bound together and gains security in effort, till some paralysis of fear runs through all. The power of the Catholic Church over the imagination is due chiefly to the fact that it has gathered into itself the strength of many centuries by a continuous, coherent growth of sentiment.

As customs are rooted in the feelings more than in the thoughts, as they stand for the instinctive energy

¹ "Reflections on the French Revolution," "Thoughts on French Affairs," "Appeal from the New to the Old Whigs," vols. ii. and iii. of *Works*; "The Foundation of Belief," A. J. Balfour, part iii. chap. ii.

of the vital processes which enclose us, they are only partially amenable to reason. Reasons against them must be rendered many times in many places; they must begin in turn to call out general feeling before the better method can safely take the place of the older form. The French are a peculiarly logical people, and for that very reason social reconstruction is violent and perplexed with them. A nation cannot rely on a demonstration as a general and safe motive of action. Reasons are too evenly divided between factions. That which carries men forward in masses is some common sentiment or common custom that has instant unreasoned force with them. Reason, in its diversity of premises, is more often a divisive than a uniting power. It has been found difficult in France to administer a free constitutional government because of the diversity and violence of opinions, because of the lack of controlling feelings binding large numbers together. A social movement that is safe and continuous must start in custom and return to custom; must be sufficiently slow to allow reasons to spread widely in the community and call out the feelings which, in the moment of conflict, are to support them.

§ 2. This reshaping of the social life, both to meet and to give advanced conditions, is what we know as reform. Reform involves a modification of conventional feelings, of customs and of laws in behalf of the general welfare. The point at which this movement first shows itself is public opinion.¹ Public opinion is the current conviction on any subject, under active thought, in the general or national mind. Conventional sentiment is

¹ "The American Commonwealth," James Bryce, vol. ii. part iv.

a conviction present in the national mind under passive thought. Conventional sentiment is the remainder when public opinion has passed its active stage and settled down into habitual feelings.

Public opinion, as a formative force in a community, involves intelligence and freedom. Social truths must come under discussion, and conclusions concerning them must spread from mind to mind. Active minds thus stand in connection with less active ones, and assume the leadership natural to them.

A reformatory movement is initiated by a change in public opinion. The stage of discussion, extension, and enforcement is passed in this purely social and moral realm. On the change of public opinion follows a corresponding change of conventional sentiment, and with it come altered customs and altered laws. There are likely to be in any reform which strikes at all deeply into social life one or more periods of reaction. Public opinion, resting on intrinsic reasons, pushes forward a change in customs or in laws so rapidly that the movement is not fully sustained by conventional sentiment. The new feelings have not had time to replace the old ones. This fact discloses itself by the weakness of the new custom, or the new law, under some unexpected attack on it. The reform is thrown back onto the previous stage of discussion and moral enforcement. These reactions are unavoidable, and ultimately subserve the purpose of progress. Social movement is rhythmical, and not uniformly progressive. The second discussion takes a deeper hold than was possible to the first discussion. The opposition cannot be fully overcome till it completely manifests itself.

The authoritative element in reform is custom and law; the moral element is public opinion. The two arise in constant action and reaction, till they at length gain an equilibrium at a higher level. The law comes to express public opinion, and makes a new appeal to it for support. The practical difficulties of the reform are exposed by the law in due order, and in due order overcome. The public mind is held to its work by conjoint discussion and action. It loses its hold on either without the other. The idea that public opinion, the moral element, can first be completely shaped within itself, and then, as an entirely adequate force, pass quietly on to modify custom and law, is altogether fanciful. It is only by travelling backwards and forwards many times, over the same ground, that the path of progress is at length beaten smooth and firm.

§ 3. The discussion which gives rise to public opinion takes place in private and in public; and in public on the platform, in the pulpit, and through the press. The platform has achieved a less permanent and distinctive position than the pulpit and the press, yet it more readily opens a way to reform than either of the other two. It is everywhere the extemporized agency of free speech. A movement must be well under way before it can hope to win the support of the pulpit, or make itself freely heard through the press. Both the pulpit and the press are preoccupied means, looking to their own ends, and are not ready to be enlisted in a new cause. A well-sustained daily paper, engaged in the advocacy of any reform, is proof sufficient that the public ear has already been won.

The platform has fewer conventional obstacles, and

fewer interests in the way. It is ready at once, on the occasion of any concession on the part of the people, for any strength in the advocate, and so, as with Bright and Cobden, Garrison and Phillips, is the earlier means of reaching the public. A "free fight" is consonant with its entire history. The pulpit and the press are so much more extended and powerful agencies than the platform, that they overshadow it as the movement gains ground.

We can best discuss the social influences of the pulpit in connection with religion. The press is now such a universal and potent social force, that we have to deal with it as a primary agent in all social changes. The variety and the rapidity of social movements in our time are due chiefly to the press. It is not easy to speak of the press justly, so many and so conflicting are its relations.

The press stands primarily for periodical literature, though the great multiplication, extensive circulation, and rapid disappearance of books is a fact which lies in the same direction. The number of periodicals and the variety of purposes they are intended to subserve are a marvel, constantly renewed. They differ from one another in a general way, according to the length of the period between successive publications. The quality of their subject-matter and the nature of their influence are much affected by it. The daily paper, with its different editions and immense volume, is the buzz-wheel of the press, and the tardy quarterlies, of whose slow movement we hardly take note, are the connecting wheels between the hidden impelling power and the popular mind. The more rapid the revolution, the

more ephemeral is the matter thrown off; the more deliberate the movement, the more thoughtful the message. From the daily — keeping up with the wheels of time, and as ceaseless as the flow of events — we pass to the weekly, which crowds the news into a secondary position, and begins to take a considerate outlook in various directions; from the weekly to the monthly, which satisfies itself with a condensed record of events, and aims at literary entertainment and instruction; and from the monthly to the quarterly, which devotes itself exclusively to philosophy in its various forms.

When we speak of the press, the mind brings into the foreground as its most significant feature the daily paper, so much more pronounced in its characteristics, both for good and for evil, than its fellow-workers in the rear. That which is sober, quiet, and proportionate, gains ground as we get out of the strife and confusion of the vanguard of what we are wont to call our civilization.

The press is primarily a mechanical, not a spiritual, fact. Its rapid impress and circulation of literary matter does not directly alter the social facts of which this material is the expression. There is no renovation in mere motion. We are tempted to glorify the invention and energy of action involved in the press as if they themselves were an ultimate good.

The press acts powerfully on the social world, but this action is of a variable character. It is not easy to separate, even in thought, the evil and the good in this influence, nor to check the evil when it is gaining ground. We draw attention to these various affiliations

of the press as the experience of our own nation has disclosed them.

1. Diffusion
of intelligence
generally

§ 4. The most obvious and the most valuable purpose subserved by the press is the diffusion of intelligence. The business and working classes rely chiefly on the press for their intellectual food, and though it is often not of the best, it is in the great majority of cases much better than none. The gains of education, and the motives to education, would be much less than they now are were it not for the press. The press gives constant occasion for the use and extension of the knowledge one has, especially when that knowledge is comparatively limited. The periodicals which aim at a careful presentation of the current facts in mechanics, business, and popular science, are wholly good, and even a great daily cannot fail to give much valuable information. The material for intellectual activity is surpassingly abundant, chiefly by means of the press.

It also discloses the facts, evil and good, with which the community has to deal. While this disclosure may frequently lead to mischief, the balance of influence is, in most communities, on the side of virtue. Knowledge, even though it includes the evil with the good, is not indifferent to social purity and strength. We could in no way more profoundly impugn moral forces than by the assertion that the complete record of the world does not sustain them. A knowledge of evil begets evil chiefly because it is partial, garbled, and comes as an appeal to that which is already evil. Let the facts of life be given profoundly, widely, truly, and the law of virtue is in them one and all.

"I think that in England we scarcely acknowledge to ourselves how much we owe to the wise and watchful press, which presides over the formation of our opinions, and which brings about the splendid result—namely, that in matters of belief the humblest of us are lifted to the level of the most sagacious, so that really a simple Cornet of the Blues is no more likely to entertain a foolish belief about ghosts or witchcraft or any other supernatural topic, than the Lord High Chancellor, or the Leader of the House of Commons." ¹

2. An agent of public reforms.

Reformatory work must be called out and sustained by a thorough mastery of the facts involved in it. "Of all the instruments which human wisdom has devised, a free press is most efficacious in putting an end to jobs, abuses, political malversation and corruption." ² The revelations of the press, like the uncovering of the world by daylight, often scatters the evils which have gathered in darkness. The affiliation of light and truth is fundamental. The pertinacity with which the Times pursued the corruptions of the Tweed administration in New York City, and finally succeeded in bringing retribution, is an example of the power of exposure. Exposure gives occasion to correction. It is the moral force of the community which determines what the result shall be. If knowledge enhances vice, it is because vice is already predominant.

3. A means of social intercourse.

The press gives great extension to our communal life. It offers a kind of social intercourse, by no means the best, but better than isolation. In spite of all the misapprehensions and dislikes occasioned between classes by the press, they have more knowledge of each other,

¹ "Eothen," A. W. Kinglake, p. 130.

² "History of England in the Eighteenth Century," W. E. H. Lecky, vol. iii. pp. 257, 262.

and understand more justly than they otherwise would their common dependencies and interests. Speech remains the medium of thought, though much is spoken foolishly. This increased knowledge is a gain for the moment and a gain ultimately. Wider information, more general interest, constitute one of the conditions of race-life. We accept the defective form of earlier methods because, by elimination and correction, we reach later ones. It does not do to repress the very terms of improvement because these terms are necessarily defective.

4.
shorter
progress

Progress, though not certainly secured by the press, is, when once initiated, made far more rapid by its means. The discussion of the principles and measures involved in it is taken up on all sides. Attack and defence, presentation and rejoinder, ruling principles and qualifying circumstances, follow instantly on each other, and a few weeks do the work of years — and that not in the minds of a few persons, but in an entire community. A movement of this kind may be precipitated. Theory may outstrip practice. Relations may be established as yet unsustained by conventional sentiment; but these are difficulties which we must look to progress itself to correct. The entire movement is broadened and deepened by the press. The press stands for the awakened, active, universal intellect; and its conclusions slowly gather correctness and decision. Diversity and vigor, error and truth, in thought are the inevitable concomitants of growth. It is not the desirable features in any given movement that adequately characterize it, but its ultimate relation to progress. Instruction and correction in the popular mind may often be slow and disa-

greeable processes, but they are the only telling ones. The fastidious thinker withdraws from discussion because it is so rude, crass, and unserviceable, but his feeling arises because he is making his measurements in his own domain and not in the universal domain. The chief excellency of any event is that it offers wide discipline.

§ 5. With these great gains are united correspondingly great and disagreeable liabilities. These evils are incident to certain phases of social development, and, for the time being, subsidize the press as their most ready instrument.

1. passion for news!

The first and milder of these evils is that the love of news, as news simply, is awakened by the newspaper. News is mistaken for knowledge, gossip for information, criticism for correction, the scenic effects of public life for public life itself. The morning paper becomes ephemeral. A single day or hour robs it of value. It is as transient in its office as the cup of coffee to which it leads the way. The movements of men's minds become rapid, superficial, and meaningless. This is a radical, and oftentimes an unobserved, mischief, and one that gives occasion to the more obvious evils which follow it. The mind, made trifling, puts no adequate estimate on serious facts. The firm and stately growth of the thoughts being arrested, the ground is overspread with weak but prolific sprouts.

2. Love of sensation

Closely united with this result is a second like unto it. A love of sensation is awakened. Feelings become sensuous. Men fall into the vulgarity of having nothing else to do than to tell or to hear some new

thing. This general intellectual laxness is wholly consistent with intense business activity. Indeed it easily consorts with it as making the least claims for additional independent thought. Thus the life of the citizen expresses the intensively active, yet superficial, character of the community. Proportion is lost between the parts of life, and sound judgment disappears as to the intrinsic value of events. Men are made dizzy by each eddy of the stream, and are unable to determine its direction. Notoriety is mistaken for honor, and even the criminal finds an incentive to the crime in the momentary attention it commands.

3 Indifference to truth.
 Out of this love of sensation comes at once carelessness in reference to the truth. If the truth does not furnish the needed excitement, and in most cases it does not, it is exaggerated, perverted, falsified, till the required appeal to the public interest is secured. A lying spirit is abroad in the newspaper world. Great dailies pay large salaries to those who have most skill in the coloring of commonplace facts and the fabrication of new ones. "A swarm of young men is being trained up all over the country to consider prying and lying and distorting creditable professional pursuits, if any fun can be gotten out of them."¹ "Managers are very apt to stand by, to the last extreme, a liar whose lies feed the popular appetite for amusement. This is not a pleasant thing to say about one's profession, but it is as true as gospel. As a matter of fact some of the most highly paid newspaper men are notorious liars, perverters, and inventors."² "As indifferent to the goal whither his pen conducts

¹ *The Nation*, March 22, 1894.

² *Ibid*, Nov. 4, 1886.

him as a cab-horse to the destination whither the driver's 'fare' is conveyed."¹

4. *Disregard of privacy*
A fourth evil is hatched in this same nest — a constant and most unwarrantable trespass on personal privacy. A mischievous curiosity throws wide open any door, if it supposes the public will take any interest in the events occurring behind it. Public characters and public concerns come to mean those which gratify the spirit of gossip. There is in this a great injury to all delicacy of feeling. The community is levelled down, not up. A people fed by a daily press of this order comes to be justly chargeable with vulgarity — a vulgarity ignorant of itself and growing without limit.² This fault is more marked in the United States than elsewhere. New York, one-fourth the size of London, has more daily journals than it. Many of our dailies are immense, and can only be kept full by a diligent sweeping of the streets. The evil spreads to the country, assumes a more teasing form, and the village weekly is crammed with trivial or scandalous personal items, whose narration springs from vulgarity and scatters vulgarity everywhere.

5. *Disregard of temper*
Deeper than this general disregard of truth and a sound mind, there comes to be, in connection with personal and political interests, an intense partisan temper. This takes almost complete possession of the political press, and extends even to the religious press. The political journal becomes an unscrupulous and blind defender of its own party, and is equally blind

¹ W. S. Lilly, *Forum*, July, 1889.

² "The American Newspaper Press," Edward Delille, *Nineteenth Century*, July, 1892.

and unscrupulous in its representations of the policy and principles of its opponent. It is difficult, by the medium of the political press, to arrive at the simplest facts, when there is any motive for misrepresentation. The first office of a newspaper is sacrificed to party purposes. This result would not be so unfortunate as it is, were it not that many citizens, in quiet places and in limited lines of action,—indeed, many in all places and with every opportunity for information,—are ignorant of the measure of this deception, and suffer most severely from it.

An example of this temper was furnished by the existence of “dens of infamy” in northern Wisconsin. The press, rather than allow the State and those in office to suffer the disparagement of their presence, was disposed to deny their existence, or to belittle them. A second example of this difficulty with which very near and plain facts are gotten before the public when there is any motive for concealment, is the series of oppressive measures by which the miners in Spring Valley were brought to the verge of starvation.¹ The number and power of those interested in this act of commercial tyranny helped to hide it from the public.

§ 6. These great evils, which have a tenacious hold on our daily press, arise from the fact that the press primarily represents a money, and not a moral, interest. It is an investment, and as an investment is looking for dividends. To secure these dividends it must address itself to the masses, not for their elevation, but for their amusement. It can accept scruples no otherwise than an auctioneer who has undertaken to occupy the atten-

¹ “Strike of Millionaires against Miners,” H. D. Lloyd.

6.
A money
interest

tion of a street crowd, and gather in their nickels. Exactly the same influence debases the daily press that debases the popular theatre. The taste for amusement in the most numerous class is neither refined nor scrupulous. "To succeed now, a newspaper must either be newsy, or breezy, or both." "He makes his paper to sell, and leaves the moral training of the young to the clergy."¹ The newspaper "sells news," and often manufactures it. Artemus Ward puts it concisely: "Morals! Nary a moral. We are in the genuine newspaper business."

This statement of the morally irresponsible character of the daily press is not the exaggeration of a single tendency; it stands for a fundamental and controlling fact. The owner, rather than the editor, of a great paper determines its drift, and with the owner the paper is a business concern. Dr. Gladden, in discussing the relation of the paper to the public, affirmed, "The attitude of the average American editor is one of calm superiority." A. H. Siegfried, of the *Chicago Daily News*, responded, "It is rather one of friendly indifference."²

There are important personal exceptions to these strictures; but the general tendency is only too truly expressed by them.

Out of this dependence of the daily press on the portion of society least restrained in its tastes and least sincere in its convictions there arise consequences of much moment.

The daily press is very sure to be hostile to any ex-

¹ *The Nation*, March 17, 1892.

² *Christian Thought*.

tended social reform, and in the outset to do all that it can to overwhelm it with obloquy. Not till a reform has become formidable can it win fair treatment from this portion of the press. The exposures made some years since, in the *Pall Mall Gazette*, of the impurity of society in London, called forth almost universal reprobation. Again and again, in the temperance reform, editorials of leading papers have been made, as in Pennsylvania and Nebraska, the vehicles of the violent allegations of the enemies of legal restraint.

Really?

The difficulty of reform in its earlier stages is thus greatly enhanced by the daily press. Facts are repressed, violence is covered up and apologized for, and the responsibility for the evils incident to agitation is charged on those who advocate progress. The object of censure is not the evil, but those who disturb society by exposing the evil. The daily press is in the foreground in this hue and cry against those who turn the world upside down.

7 Irreverence, blinding the minds and hardening the thoughts of men, finds its constant expression in the press. Headlines often owe their attractive power to their irreverent and vulgar energy. Bold and free criticism thus comes to be very falsely associated, in the popular mind, with a profane and reckless temper. As the bluster of a bully is mistaken for courage, so recklessness of expression is regarded as insight. The trampling underfoot of things decent, pure, and reverent is accepted as stripping off the disguises of hypocrisy. A confusion of good and evil thus arises, very slow of correction.

Corruptions, scandals, crimes, are given a circulation

which does not aim at removal, or tend to censure, but rather to extension and the general contamination of thought. The sewage of a city is stirred up, but not carried away. The advocacy of the masses, the disposition to expose vice in high places, which those assume who employ these methods, are wholly misleading. The people are betrayed in what purports to be the house of their friends.

The most comprehensive charge made against the daily press, and which gathers up all these itemized accusations in one word, is secularization. A community is fearfully secularized by resorting chiefly to the daily press for excitement and guidance. We understand by secularization an enhancing of transient and sensuous impressions, till they submerge the entire life. Interests which touch the higher nature, the deeper and more controlling current of events, the ethical renderings of the world, are lost sight of, and men drift onward, unmindful of the past disasters of the world or of the portents of coming evil. This secularization was apparent in the period which preceded the final struggle with slavery. Weighty commercial interests, familiar social relations, superficial and unethical theories of society, sentiments whose force lay in constant reiteration, put the conscience and the foresight of the nation at rest, made it impatient under admonition, and rendered the simple assertion of an irrepressible conflict between freedom and slavery seem like a voice unexpectedly pealing forth from an invisible world, whose very existence we had forgotten. So we passed on and were punished.

The press, by the attention it directs to trivial and

8.
The seculari-
zation of the
press

transient events, by the light, mocking way in which it slurs over moral forces, by the weight it attaches to things personal and spectacular, renders the national mind shallow and unreflective, with the eye eager and the ear restless for the turmoil of the passing parade, but with slight power to render the occurrences of life in terms of spiritual strength.

The Sunday paper is to be regretted, not so much in itself, as one more step in secularization. The events of the weeks touch one another through the narrow space of sacred time, and an unbroken current carries the unchastened, uninstructed spirit onward. Week is coupled to week as if each were a freight-car with no other purpose than to bear its own burden forward in the endless din and clatter of commerce.

The village of Williamstown, once Puritanic and still restful among the mountains, accepts cheerfully such a notice as this: "*The Springfield Republican*, containing a full account of the foot-ball contest between Harvard and Yale, will be on sale at ten o'clock Sunday morning." "One of the many achievements of the newspaper press during the last century has been to deidealize public life; to lay the axe at the root of duty, self-devotion, sacrifice, the element of the moral greatness of a nation which is its true greatness."¹ If the press is "the pulpit of the nineteenth century," it is only a pulpit, and one which the devil is at perfect liberty to occupy.

Another evil of the same grave character is that those who control the daily press come to be possessed with an overweening sense of power — power divorced

¹ *Forum*, July, 1889, W. S. Lilly.

from any corresponding sense of responsibility. They more frequently stand in the background, out of sight, and work a mechanism of stupendous energy with the curiosity, fearlessness, and blindness to consequences of a child. A grotesquely self-confident temper is the very last one which should be associated with the present terms of civilization.

9 This irresponsibility is apparent in advertisements. They are scattered recklessly, with slight reference to anything genuine, honest, or serviceable in them. Such a press as that of Paris, powerful and unscrupulous, identifies itself with such corruption as that which overtook and wrecked the Panama Canal. Widespread dishonesty is made to lose something of its dishonorable character, because it is accomplished by the familiar methods of the press.

In that saddest of sad events, the Homestead affair, with error and suffering and grievous wrong hopelessly commingled, calling for penetrative spiritual sympathies and sound judgment to scatter the darkness in any good degree, our daily press, with much unanimity, united in reading the workmen a few stale lectures on the commonplaces of Economics, indicating neither head nor heart for the apprehension of so significant an occurrence.

"This wail in the night" came and went, and no one of the busy throng of newsmen was able to hear or to interpret it.

§ 7. The press thus bears to society a very changeable and conflicting attitude. On the one hand, it is wakeful, rapid, and drives events forward like a ponderous piston. At some happy moment, moving in the

right direction, it puts its whole power to the task, and carries society forward with a throb of life which runs through its entire framework.

On the other hand, it is often superficial, vulgar, untruthful, irresponsible, and presumptuous, giving its great strength freely to those who are alike ignorant and careless of the issues which come to society under eternal and righteous law. The instruments of civilization are getting in advance of civilization itself. Society is a boat attached to a whale; it remains to be seen whether the boat will capture the whale, or the whale wreck the boat.

The reduction and correction of these evils of the press lie in individual action. The press is what the people make it. It does not so much give character to the people as do the people give character to it. The press gains its power like a wind-mill, by spreading its fans in the current of the wind.

The remedy lies in better individual life, more strongly asserted. It belongs to us personally to sustain only a pure press, to have and to enforce our ideals. If the press is mercenary, it cannot escape this persuasion; nor is it so mercenary as not to recognize the more honorable method. When the good citizen judges the press, the press will submit to his judgment, and become candid, thoughtful, and wholesome.

It is not difficult to determine what the ideal paper is. Such a paper treats current events with reference to their value, and gives us news, concise, reliable, and well classified. It offers itself to us as observation, wider and more systematic than our own, and puts us in a position to form sound and comprehensive judgments. It

→ see the "evils" of
the press pp. 106-114.

takes an earnest and honest part in shaping opinions — itself a leading participator in the events it records.

Whatever strengthens the community, renovates the press. The difficulty with the daily press is that it is not, nor can it well be, in the vanguard. It inevitably drops into the rear, where the masses jostle and confuse one another. It is the organ of public opinion, multitudinous, perplexed, and obscure. While a portion of the press will be the chief instrument in correcting the press, the press as a whole is so at one with our lives that it can only share and hasten events. The centres of life are always personal. The secrets of revelation are with a few, and spread thence by spiritual propagation.

PART II.

ECONOMICS AS A FACTOR IN SOCIOLOGY.

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CHAPTER I.

THE NATURE OF ECONOMICS AND ITS RELATION TO SOCIOLOGY.

§ 1. **ECONOMICS** treats of values. Value is purchasing power; and values aggregated in the hands of persons and nations are wealth. The three divisions of Economics are the production, the distribution, and the exchange of values. The consumption of wealth is its use, and pertains to social, rather than to economic, action. It may, indeed, affect production, and so may nearly all forms of social activity.

Production, the creation of values, is the primary process in Economics, measures the power, the prosperity of a community as expressed in sensuous objects, and is most intimately associated with its well-being. Distribution, the division of values among those who take part in their production, involves the principle of justice, and still more directly touches the general welfare. Production issues in commodities, services, and credits. Exchange treats of the ratios values bear to each other in the transfer of these three. It everywhere accompanies production and distribution, and disappears only with

the extinction of values in consumption. The ease, accuracy, and safety of exchange turn chiefly on money, the medium of exchange, and in any community go far to determine the point which has been reached by it in civilization. Exchange is so omnipresent a process in connection with values that some have defined Economics as the science of exchange. Exchange does not, however, determine the principles either of production or distribution.

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§ 2. Economics is chiefly a deductive science, confirmed and corrected by observation. Its phenomena are mingled with other social phenomena, acting upon them and acted on by them. Its conclusions are reached by separating in consideration certain well-known and affiliated causes from other causes associated with them, and by tracing their unobstructed results. The conclusions thus reached may have great value, though they require, when reintroduced into the complex field of human action, to be supplemented and modified by the causes which have been omitted in the discussion. We may in Mechanics trace the pressure and the strain involved in the various parts of a bridge arising from the form of its construction. It will remain for us, in employing these conclusions in actual work, to know the nature of the material we are using and the changes it is liable to undergo.

An example of the deductive character of Economics is seen in the law of rent. This is derived from the familiar and obvious facts of the unequal fertility of land and its differences in the advantage of position. These facts, taken in connection with the fundamental postulates of Economics, give us the law of rent. We

see also how far the law, applied amid the obscure and vexed movements of society, has been from expressing the rents actually paid for the use of land.

The Duke of Argyle, in his work on "The Unseen Foundations of Society," has very fully pointed out the fact that the so-called law of rent turns, not on an efficient cause, but on a concurrent effect. Rent and the cultivation of the poorest grade of soil are both effects of the same cause, the rise of value in produce.

§ 3. In consequence of these two facts, a science secured by neglecting for the moment the causes lying beyond a well-defined circle, and the complexity of society in which the principles so obtained are to be used, there has arisen a diversity of opinion as to the value of Economics. One school, working chiefly within the limits of the science itself, and impressed with the rigid coherence of its conclusions, is ready to set up its principles as ultimate laws. A second school, occupied more directly with the phenomena of society and struck by the fact that these alleged laws are often overridden by the conditions which enclose them, comes to think and speak disparagingly of Economics as a distinct science, and to direct attention primarily to Sociology. Here alone are the facts in their entirety with which we are to deal, and here, if anywhere, we must learn to handle them. "Political Economy, when it disclaims the correction of evidence, is a crude metaphysics, which gives a very artificial and erroneous account of actual life."¹

The truth would seem to be that while we are quite right in simplifying our consideration of causes, and in

¹ "Economic Interpretation of History," J. E. T. Rogers, p. 2.

tracing their separate action, we must also, in the use of our conclusions, restore in each instance the social phenomena to their true character. Under the comparison already employed, we must build our bridges, not simply in obedience to mechanical laws, but with most direct regard to the material employed and the service expected.

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§ 4. This brings us to the relation of Economics and Sociology. In Economics we treat of values simply. We treat of them in connection with those primary impulses which give rise to them. In Sociology we treat of production, distribution, and exchange as modifying society and modified by it, as playing a part in the one whole of human welfare.

This consideration involves two things: the modifications put upon economic laws by the circumstances under which they are operative, and the power which these laws still retain under the more comprehensive social purposes in which they are enclosed. The combining processes of Sociology — the one whole of our communal life — must be understood before we can adequately understand any one part of it. Sociology is to Economics — and to all other social sciences — what Physiology is to an extended discussion of any one system of the human body. It aims to give us the successful results in health when all these systems mutually limit and sustain each other.

§ 5. We offer two examples of this interaction of economic laws and the wider interests which embrace them, before proceeding to state and estimate the postulates of Political Economy. The first example is the law of rent. Under this law all land should bear rent in the

measure in which its advantages exceed the advantages of land barely rewarding the labor of cultivation.

This law plainly indicates a simple and real relation that can hardly fail to be felt. If men were at any time to undertake to secure a rational adjustment of rents, they could not overlook this dependence, or rather what is associated with it.

As a matter of fact, however, the law has rarely found definite application. Questions of rent have been and are among the more perplexed social problems, not because of any complexity in the law, but because of its ineffectiveness. "Every civilized community in Europe has regulated the relation of landlord and tenant."¹ This regulation has been the result chiefly of the total failure of the law to declare itself in any wholesome way. It has been the rare exception, taking human history collectively, that the law of Ricardo has been found governing the values of land. It is the deductive force of the law, not its historic force, that impresses the mind.

Land, in its forms of actual ownership and use, has been so deeply involved in social customs that the purely economic forces have only now and then been able to get hold of it. In earlier periods land has been held in common, and the law did not apply. In later periods, this ownership being broken up, the holding of land has been determined by the relation of classes to each other, and has expressed the complex results of social forces. War has had more to do in settling the relation of landlord and tenant than have intrinsic values.

¹ "Economic Interpretation of History," p. 175.

Thus in England, and still more in Ireland, social interests so modify this dependence as to make of it a tangled web of past wrongs and existing prejudices. One might as well expect water, filtering through a morass, to make for itself a straight channel, as to anticipate any sufficient action of this law in old historic communities.

Two points illustrate this failure. The land which yields no rent is, under the accepted theory, that which simply pays the cost of cultivation. But if we can find this land, we cannot define this cost of cultivation except in terms of wages associated with some definite standard of living. The land which remunerates the laborer simply enables him to secure the current enjoyments of the class to which he belongs. If the standard of living has sunk to bare subsistence, then a most extravagant price may, as in Ireland, be paid for land, since the mere existence of the workman is all that is contemplated. The point from which the law starts is not determined by the law, but may be the expression of the accumulated misery of the past. When, as in Ireland, land is repeatedly sublet, a half-dozen different standards of living are associated with the land, the lowest making no appeal to our sense of justice or humanity or of economic fitness.

The law brings to this lowest class no relief. There is no elasticity in it. There is no favorable fluctuation of prices by which they can profit, no resources within themselves by means of which they can negotiate for better terms. The index has been forced to the extreme limit of the scale, and has there ceased to vibrate. The entire aggregate of previous and existing social re-

lations determine the standard of living, and if that standard leaves the laborer no reserve-power, the law of rent is to him an empty symbol.

Another fact indicating the actual range of the law is the renting of land "at the halves." Even in the United States, where the law of rent has more power than anywhere else, this is not an infrequent custom. It implies a complete disregard of the law of rent. If the returns of a given farm were twice the cost of the labor of cultivating it, the owner, under this arrangement, would receive the entire advantage of ownership, and the tiller of the soil the simple reward of his labor. If the produce of the farm only exceeded by a trifle the labor expended in securing it, the workman would be defrauded of a large share of his toil. If the reverse were true, and the yield very abundant, the landlord would be in a like degree the loser. That such a system, — or the very general metayer system of Europe — with so negligent an adjustment to the law, should be so readily accepted, shows how sluggish is the action of economic forces in this field.

§ 6. A second example of a prominent law deduced with much certainty from familiar facts is that of the increasingly unfavorable relation of population to produce. Malthus drew attention to the fact that population tends to increase in a geometrical ratio, and produce in an arithmetical one; and that consumption, therefore, is constantly gaining ground on production. But history by no means justifies this prognostication of evil. The tendency is present, but sufficient correctives within and beyond Economics are also present.

Economics draws attention to points of relief within

the science itself, yet leaves the law as an invincible menace at no very remote period. These reductions are land still unoccupied, better methods of cultivation, and more economy in use. They all promise, however, only a prolongation of the struggle, and not a permanent victory. The real significance of this tendency to excess cannot be fully apprehended without a much wider survey of social facts than that offered by Economics.

There seems to be a biological law that any form of life, pressed by adverse circumstances, becomes more prolific. If we state the fact on the reverse side it becomes, life well nourished and restful is less productive. Periods of hardship in the settlement of new countries show a high-birth rate, and periods of ease and luxury a reduced rate.¹ A physical tendency thus enters to correct the modern increase of population, when population is expanding under prosperity.

This law is strongly supported by social influences. Social development tends to high standards of comfort, and these demand prudence and restraint in marriage. General Walker, in the article referred to, draws attention to the retardation in the rate of increase which has attended, in the United States, on the growth of exterior advantages. The census of Massachusetts for 1885 shows the much more rapid increase of the foreign, than of the native, population; the former not having come, in anything like the same degree, under the restraints of prosperity. Of the families with one child only, 73 per cent were native, and 27 per cent foreign. Of families with 6 children, 47 per cent were native, and 53 per cent foreign. Of families with 12 children, 24

¹ F. A. Walker, *Forum*, vol. xi. p. 634.

per cent were native, and 76 per cent foreign. Intermediate numbers corresponded to this grade. In 1888 the number of births in Massachusetts in each one thousand in the native population was 18.3 for the year, in the foreign population 54.6. The figures in 1890 were 18.5-59.9. The census of Massachusetts indicates a very positive retardation in the growth of population as social development makes itself felt. Some investigations in Germany have led to the conclusion that the most vigorous children belong in connection with the father to the period between 30 and 40, and, in connection with the mother, to the period between 30 and 35.

In the social motives which serve to limit population, are included not only the restraints which increased personal ambitions and responsibilities impose, but also the limitations which attend on squalor, and are associated with vice. If favorable social conditions seem to prepare the way for rapid growth, there come with them a new set of motives which restore the equilibrium. If the movement is tainted by vice and restricted by poverty, these too work in the same direction, both on the physical and on the moral side. A large birth-rate is corrected by a corresponding death-rate, and the lesson of prudence and thrift is enforced by comfort on this side and destitution on that.

If, then, we take those countries where development has been most continuous and complete, we find not only no trace of the alleged disposition of population to outstrip the food-supply, but the reverse rather. England and Wales in the fourteenth and fifteenth centuries, with a population not exceeding two and one-half millions, were less prosperous than England of the eigh-

teenth century, with more than double that number, and far less well fed than England of to-day, with a population ten times greater. England has a larger population than ever before, and one steadily increasing; but she was never before so exempt from the possibilities of famine, or any form of extreme suffering. There is nothing in the development of society to indicate that there is any line of limitation in these safeguards of growth.

There is one serious drawback, the extreme poverty of a limited class. That poverty is not due to any want in productive power in the world, but to the physical and social degeneration which has hitherto accompanied our very imperfect and partial civilization. It is a disaster on the moral and voluntary side of our lives, and not in the physical conditions conceded to us.

In England wiser methods have decreased pauperism with a growing population, and in Ireland there has been, under a less favorable social development, a growth of pauperism, with a decrease of population. Social forces, in full activity, suffice to secure increasing prosperity in the teeth of every alleged economic law.

If we take the three restraints in the growth of population, disease, famine, and war,—restraints which some have been willing to accept as the necessary checks on population,—we see that they have been less and less operative in all nations under a progressive civilization. Disease, in its contagious and extensively destructive forms, has been in a high degree mastered; famine, as a sweeping scourge, is almost impossible; and war, in the relative number of its victims, has been much reduced. War, in the productive energy it now absorbs,

probably tends to render the ratio of population to production less favorable, not more favorable, than it otherwise would be. The destruction it occasions to life does not compensate for the decrease of productive power occasioned by it. Those slain in battle, as among the most able-bodied in the community, are more than able to support themselves and their offspring. The natural checks, so-called, of population are thus disappearing with no loss, but a perpetual gain, in strength.

If, therefore, we confront the Malthusian law, plainly as it is deducible from certain undeniable facts, with the growth of society, it not only loses its menace, but we see that it simply pushes us toward a peaceful and perpetual readjustment of the social relations under which our physical and our rational life are slowly rising to a more perfect equilibrium.

CHAPTER II.

THE POSTULATES OF ECONOMICS.

§ 1. HAVING said sufficient to show that the laws of Economics plainly require, in their use, a wise adjustment to social facts wider than themselves, we are ready to inquire more carefully into the postulates which underlie Economics, and into the limitations inherent in them.¹

The first general assumption in Political Economy is, in the order of thought: All men in the pursuit of values desire the largest returns with the least labor. Deny this assertion, and the reasonings of Economics would at once fall to pieces. But this assertion is so direct an expression of instinctive and rational action, conforms so completely to our experience among men, as to be readily and safely accepted as a universal principle. Indolence and enterprise alike confirm it. Enterprise enforces the largeness of the return, indolence the lightness of the labor. It matters not to what mean, or to what magnificent, purposes the values secured by labor are to be devoted, the law of their acquisition remains the same.

It is also a postulate most fruitful in deductive reasoning. We have under it only to point out the lines of effort most productive, and immediately they become the channels into which capital and labor are carried by

¹ "The Postulates of English Political Economy," Walter Bagehot.

their own gravitation. The external conditions, sagaciously interpreted, make plain for us the internal impulses.

Yet this postulate, general and controlling as it is, and well fitted to give a distinct character to a large class of social phenomena, is subject to many limitations which send us, in its use, constantly to the particular social facts we may have in hand. This postulate virtually involves complete intelligence among men. Men agree in desiring the largest returns with the least labor, but they are extensively ignorant of what these returns and this labor are. The law operates through intellectual vision, and can operate with promptness and precision only through complete vision. It does not suffice, therefore, to show, in any given case, what the facts of production require in order to forecast the actions of men under them. We are still involved in the ever variable and insolvable inquiry, How far do those at any one time and place engaged in production understand these conditions? If they do not understand them, it is so far as if these conditions did not exist. The postulate, therefore, notwithstanding its broad application, has in it a very uncertain ideal element.

Take such a class of producers as farmers. They certainly desire the largest returns with the least labor, and yet we find in their efforts unproductive and misapplied labor in every form and degree. The relation of toil to return is very partially understood, and so the postulate is baffled in every conceivable way.

This first postulate relies on indolence, and very safely. The laborer is not to be willing to put forth more exertion than is necessary for the end aimed at.

Another element enters here, that of time. Men desire the largest returns with the least labor, but they also desire them in the shortest time. The largest returns and the shortest time are often not consistent with each other. The largest return under the least labor may involve a longer period; a lighter return under more labor, a shorter time. Between these conflicting proffers indolence is constantly accepting more labor and less reward. Laziness overleaps itself. It withholds, as the end of effort is approached, some needed exertion with an unfortunate loss in productive returns. The laborer is very often too lazy — not simply too unintelligent, but too lazy — for the postulate. To-day is always winning an irrational advantage over to-morrow. Less returns with more labor are constantly accepted because of this preponderance of immediate pleasure in contrast with future welfare. We express this in the proverbs: "The longest way round is the shortest way home." "The fool will break his back in going once rather than go twice." The economic temper is acquired, not primitive, and is acquired in very different degrees.

A like irrational feeling arresting the postulate is the overweening confidence men have in what they believe to be their good luck. Luck does not mean with them chances capable of exact expression and possessed of a determinate value. It means an obscure and fanciful factor which grows as the imagination is more vivid or the temperament more sanguine. Hence a strong desire to speculate finds its way into economic motives, often deranging and baffling them. Conduct ceases to rest on wise calculations and adequate

causes, and is controlled by an irrational self-confidence. Men are only in a measure rational; and when reason swings wildly, like a magnetic needle in a magnetic storm, the postulates of Political Economy suffer suspension. Commercial transactions, small and great, come under the flaws, squalls, and tempests of a reckless and speculative temper.

There are many other feelings operative among men aside from those involved in the postulate, and that act in modification or arrest of it. Men distrust a new method, they fear a new undertaking, they are averse to coming in contact with new persons and new conditions. The old and the familiar have a strong hold upon them. Hence they do not respond to any slight or secondary economic forces. Inertia is a grave obstacle to action, and one that does not rest on reason. The stone that lies loose on the field soon settles into the soil, till one cannot readily turn it over. The opposite temper of excessive volatility also interferes with the postulate. The postulate calls for a mind delicately poised on its own centre, and thus open to the action called for by self-interest.

To the inertia of the man we must often add the inertia of the community. Customs and laws do much to render difficult, or prevent altogether, that easy transfer of persons from place to place and occupation to occupation, which is involved in obedience to the postulate. It is of little moment what men would desire if there are no suitable social conditions to call out the desire and make it effective. The customs of a community and its conventional sentiment often keep latent desires that might work great changes

if they were once awakened. Law often adds its force to custom, and economic forces are kept in suspension by a non-conducting social medium. In long periods and over large areas that social freedom is wanting which is the essential condition of responsive action under economic motives. Every barrier to every occupation, whether arising from the want of familiarity or the want of taste or the want of skill, or from social association and obstacles, or from law, serves to limit the postulate. Men are not choosing, in the wide field of intrinsic possibilities, but in the narrow one assigned them by their own outlook. These limitations are innumerable, subtle, changeable, and quite beyond any but the most general estimates.

Moreover, there are many social gains which are more or less in conflict with economic ones. The confidence and good-will of a community in which one has labored, its friendships and attachments, the immediate loss of social advantages which attends on change and the time consumed in restoring them, the effects on one's own character and the character of one's household, offer a complex and powerful set of motives in modification of simply industrial interests. These economic forces are not operative in a field all their own, but in one occupied by a great variety of impulses.

We hear constantly of the timidity of capital; yet it is in the hands of the more intelligent and free classes, and in its use is far more separate from conflicting motives than is labor. It is not actual economic facts which rule the money-market, but men's knowledge of them and feelings about them; and these are rarely accurate, and are often very wide of the mark.

§ 2. It follows, then, that this apparent generality of the first postulate is in a high degree illusory. It may be present, as a ruling principle, in every degree of strength and weakness. As it presupposes, in its perfect prevalence, complete intelligence, it can rule a community only as those wakeful, shrewd insights are present which characterize commerce. Prosperous periods and prosperous classes are active under the law. Clamor and complaint are favorable indices. They show that vigorous thought and aggressive temper which are the expression of the thrifty, ambitious people. The weak and the ignorant, on the other hand, submit in a hopeless and stolid fashion to adverse influences. They have no strong desires and no clear methods, and the law gets little hold upon them. Wages yield quickly under adverse forces, and rise slowly under favoring ones. The manager, under the prospect of low prices, shortens in production and reduces wages. The blow falls on the laborer. He has little anticipation and no remedy. The absence of the power of resistance discourages forecast. The workman is often ruled by conditions so much beyond his own power of control as to leave the postulate in a state of suspension. So far as he is excluded from management, he is shut off from that active frame of mind which undertakes to control events.

There is almost always in the labor-market a residuum of unsold labor—a few doing nothing and many more doing less than they would be glad to do. This unsalable labor may amount, in hard times in the United States, to the services of a million of men. When production is sluggish this residuum increases, with slight reduction of nominal wages, but with a heavy reduction in the results

of a year's toil. When prosperity returns, this labor must all be reabsorbed before the price of labor will rise. Hence, again, it happens that forecast and prudence are particularly slow of operation among workmen. Causes reach him in too roundabout, obscure, and uncontrollable a way. He becomes indisposed by habit of mind to any strenuous effort to master industrial conditions. When a chance of improvement comes, he is poorly prepared to secure it; the movement of his thoughts is too slow or too uncertain to seize it.

Thus a temper prevails among workmen inattentive to the possible gains of labor. In Germany wages change in short distances one hundred per cent; and in our own country the difference in wages in leading lines of production in places not remote is very considerable.¹ These variations are so concealed by distance, or associated with such difficulties of transfer, or united with so many other conflicting motives, as to be inoperative on an economic basis.

A further result among workmen is that the weak and improvident, as opposed to the thrifty and strong, tend to control prices. They stand ready to anticipate any rise of wages and to prevent it; they feel the first decline in wages and precipitate it. In capital, weak producers help to give those high prices under which superior enterprise thrives; in labor, the lowest class help to maintain those low prices which the industrious can only partially correct. Moreover, a day's labor passes as if it were one and the same thing, in a single department, with every

¹ The wages paid at Braddock, Pa., have been quoted: keeper, \$2.23; helper, \$1.70; and at the same time at Chicago, keeper, \$3.25; helper, \$2.60.

other day's labor. There is no exact or just discrimination at this point, and hence the poorer forms of labor have a power to pull down prices which does not properly belong to them. These wide communal relations in labor often extend themselves till they weave a web of economic conditions around the single workman which he cannot break through. It becomes a mere mockery to remand him to general principles which are not in operation, to postulates of production which are buried out of reach under an avalanche of social evils. It is these relations which make a sweating process possible, and which allows it to enter into the lower forms of industry in so many degrees. Looked at as a tendency, it is not present merely in the few extreme forms that we have come to designate by the word, but it is a universal menace, the triumph of hard social conditions over personal enterprise. The industrious workman may easily be called on to contend with obstacles quite beyond his strength, obstacles that slowly extinguish the productive disposition in his own breast.

This first postulate calls for a high degree of intelligence, calls for a quick submission of the man himself to this intelligence, for social conditions which leave it free to operate, for a temper among workmen which incline them to sustain in each other the successive steps of advancement. But these antecedent conditions are all wanting in one degree or another everywhere.

Economics thus gives us the law of a fluid, while society is full of adhesive and gelatinous parts. We can do nothing safely in social construction with the theory alone. We can use it successfully only in connection with a diligent inquiry into the circumstances

under which it is to be applied. This is a part of the province of Sociology, to present in a large way the limitations under which economic forces take effect, and those farther social forces which operate in modification of them.

§ 3. The second subordinate postulate of Political Economy is: Every man is the proper person to order his own affairs. The impelling powers of the first postulate, to wit, desires, are his; the restraining tendency, to wit, indolence, is also his. These primary forces can only become operative through the freedom of the person who entertains them. It is the scope of the science, the very work it assigns itself, to trace these impulses in their operation among men. The effort is a wise one; but society, as an organized whole, does not leave men as so many individuals to act on each other in this independent way.

Economics, as the science of values, discusses the conditions of production which secure the largest aggregate result. It is not dealing with transactions in a formal way, but in a forceful way. When it assumes that the several parties to a trade are each looking to his own interests, the objects of the science are not reached unless this watchfulness is real and adequate. There must be present the intelligence and the power which truly set free economic forces. The terms of an economic transaction are not found in appearances, but in facts.

But men frequently lack the intelligence that makes them masters of the situation, or are so unequal in intelligence as to shift the pivot of revolution quite from its true position. A forecast of results, the very first

of economic faculties, is a form of power very unequally distributed among men; and it is impossible, therefore, in many transactions between class and class, to assume it as a real and sufficient foundation for current relations.

The parties to a trade are also often in different circumstances of stress in reference to the adjustment. There is no antecedent equilibrium in the forces impelling the bargain. The one must buy or sell, or suffer great loss; the other may buy or sell as suits his pleasure. We might as well call it a fair typical battle when one of two contestants has the sun in his eyes, or is on the lower side of an incline, as to insist that a given trade—we will say between tenant and landlord—lies fully within the scope of economic forces, merely because it takes on the form of barter. We are not dealing with words, but with things.

These inequalities of vantage—in themselves frequently very great—may also be enhanced by the state. The strength of the strong is accumulated in a gigantic corporation, itself insensible to human ills, and with no organ of sympathy with which to feel the ills of others. The state, having thus helped to shift the fulcrum in one direction, may well be asked to do what it can to restore the balance of power it has aided in deranging. If a railroad is given a valuable public franchise, and is further to be protected in the performance of its duties by conceding it especial claims on its employees, then, certainly, the employees are not to be left in the settlement of wages to the possibilities of trade under the misleading plea that economic laws are freely operative and will fully protect them. If the

civil law puts itself on this side, it must put itself on that side as well.

Hence, as a matter of fact, the state has found it wise repeatedly to intervene between parties to a formal or implied contract to protect both the weak and the strong when their own watchfulness could not be readily exercised. The laws which concern the labor of children or of women, which pertain to the hours of labor and the safety of labor, or to the safety of travel by steamship or rail-car; all laws which give the workmen special liens, which intervene in the interpretation of contracts, or release by bankruptcy the claims of contracts — are in modification of economic forces, supplementing them, or putting upon them the restraints of superior social interests. As a matter of fact, then, civil law does not and cannot accept the second axiom in an unqualified way, it is so manifestly inadequate as a social principle.

We will mention here — waiting till we have reached Ethics to amplify the point — that a most important office of the moral law takes effect in conceding fairer conditions to trade than those at the moment current, and in supplementing the issues of trade with the higher issues of human fellowship. We cannot possibly deal successfully with the complex social facts of commerce under economic laws alone. We must concede the presence, and evoke the presence, of modifying civic and ethical principles.

§ 4. The third postulate of Economics is: Freedom of exchange suffices rightly to determine, and should be left to determine, prices. This principle follows immediately from the other two. It simply affirms the con-

ditions under which they take effect. It asserts the freedom which must fall to every man in seeking his own, in fulfilling his own impulses. If these are native and legitimate impulses, they carry with them freedom, the right of gratification.

The three together, to wit, impulses, in a personal form, bidding against each other, give us the fundamental law of Political Economy, that of competition. Competition is to Economics what gravitation is to Physics, an inseparable term in every problem. Competition gathers together and puts in an active form productive forces. Yet, as at the same time the apparent source of much evil in society, it demands the most thorough consideration. We open the discussion by a few examples of the economic problems that receive their current relations under this law.

The first case we adduce, and one favorable to the rigid application of general principles, is that of free trade. The free-trader, confident of the beneficent scope of trade and of the invincible character of the forces which underlie it, has at times given his argument a more absolute statement and imperious tone than belong to it. The impulses which promote production and commerce are not so complete and independent as to call, in no case, for collective guidance. The protectionist is not wrong in supposing that direct endeavor may intervene, here as elsewhere, between the desire and the end in view, defining the means fitted to secure it. We may prepare the way for a wider and more profitable commerce by varying and strengthening our productive resources within themselves.

The state, moreover, may have its own interests,

→ p. 276.
p. 441.

expressed in independence and self-contained power, expressed in revenue and in police, which may impose more or less restraint upon trade. The problem is not one purely of Economics. Social reasons make for and against commerce. We may admit the full force of the natural laws which issue in it, and still wish to anticipate or limit their action here and there.

The arguments which make most decisively against protection are derived from social experience, from the universal fact that the theory of protection, once taken on, almost immediately loses its economic justifications, and resolves itself into an unhesitating, unscrupulous struggle between man and man, class and class, to secure a legal advantage in production. The theory absolutely and ignominiously breaks down because of the mischievous social forces it lets loose. The doctrines of free trade and of protection raise wide social questions, which must be answered collectively, if we are to discover the prudent and safe lines of policy.

The wage-fund, as an irresistible factor in wages, is a second example. It has been held that in any one productive community, at any one time, there is a certain amount of capital which is ready, in the coming industrial cycle, to be expended as wages; that there is also a certain number of laborers waiting to perform the labor called for; and that the ratio of these two amounts to each other must define wages. To fret against this result is to fret against a sum in simple division. Our philanthropy wrestles with natural forces which are sure to overthrow it. It creates new evils of its own in striving blindly to correct old ones.

The difficulty is not that there is no truth in the wage-

fund theory, but that that truth is not of the absolute character assigned it. The facts are more concessive than our interpretation of them. The practical difference between the two is as great as it is in mechanism between bearings which have no elasticity and bearings with an elastic bed. Our jolting wagon becomes an enjoyable carriage by means of springs.

The wage-fund may at any moment be enlarged or diminished by trust or distrust, good-will or ill-will. Workmen may render more remunerative or less remunerative services, may facilitate or embarrass the productive process. This process, thoroughly successful and resting on confidence, may anticipate its own returns, and relieve, in its own progress, the want of capital. Workmen receiving better wages may feel the impulse to economy, and return to capital a portion of their hire. They may also, by enlarged consumption, maintain the price of products. Prosperity is the fertile soil of prosperity. The vitality of the productive process is expressed in the degree in which it acts and reacts on itself, and sustains its own strength, capital putting courage into workmen, and workmen returning a loyal temper to capital; wages widening purchasing power, and purchasing power, as effective demand, increasing production and nourishing wages. The economic temper, the social and moral tone of a community as one organic whole, are more potent, in any considerable period, to determine the wage-fund than is the wage-fund to determine them. The action and reaction between the two is a vital one, and must be so estimated and studied. In these comprehensive social conditions, the wage-fund ceases to have a fixed numerical value, or to carry with it inescapable results.

One more example will suffice. Many combinations have arisen, as one or another form of trusts, in restriction of competition. It has been asserted by those who have complete confidence in the adequacy of economic laws to correct miscarriage, that these trusts should give rise to no alarm and call for no special treatment. When the profits arising from combination become excessive, it will be impossible, it is said, to prevent those not included in them from attacking them in the old competitive way.

This reasoning seems to be but a stultifying logic to those who regard economic forces as acting with other forces quite able to suspend and pervert them. There would be no motive for the combination, if the combination were sure to fail as it approached success. If the law of competition is as adequate as it is thought to be, it ought to anticipate and prevent the combination. If it is unable to prevent it, it may be equally unable to correct it. The bad conditions which arise in spite of the law may sustain themselves in spite of the law. Even if we were sure that competition would avail in the end to break down trusts, its impotency in the intervening period, the losses and the unjust gains, would still remain, and would call for all the relief that we could bring to them. There is certainly no sufficient reason why we may not restrain a voluntary interference with economic action by voluntary action, or bring correction to that which needs correction. The river may strive to relieve itself of snags; is the snag therefore not open to the attacks of the engineer? A nation may line its frontier with fortresses; is the menace altered by the fact that, in the event of war, they may all

possibly be taken? A trust is a fortified position, and can be captured only by a hard struggle. Wherever it exists, and as long as it exists, it is a trespass on commerce.

§ 5. If, then, we cannot accept the entire adequacy of economic principles, more especially of competition, to watch over the public welfare, it becomes necessary to understand the functions it subserves, and the limitations of those functions.

An open market is the presupposition of competition. Competition, as a wholesome law, means no more than the adjustment of the terms of production and of exchange to each other over a certain area, so that each shall have the advantage and render the service that, from the nature of the case, belong to it. Competition does not create the productive forces, but assigns their relation in reference to each other. The accidents of trade and the tricks of trade and the combinations of trade, which prevent a genuine expression of the facts involved, constitute no part of competition as an economic law, any more than a lie is a constituent of the narrative in which it is embodied. An ideal market would bring a just comparison of all the productive powers included in a given area, and bearing on a particular commodity. All that conceals these productive forces, or anticipates their action, excludes competition, and is not a part of it. A productive territory fully represented, is the essential notion of a market. Any limitation is so far a loss of a market. If bad weather prevents the usual attendance in the public square of a city of those who supply it with vegetables, the market, to that degree, fails. Economic forces are in suspension. The

law of competition may still govern the sales actually made, suiting itself to a narrow supply; but it is not that satisfactory force which, resting back on all the forces involved, reconciles them with one another. It simply gives immediate expression to unfortunate circumstances, and does nothing to correct them.

If bad roads render this light attendance frequent, the economic forces involved are correspondingly straitened. Competition alone does not suffice to cure the evil. The broader conditions of civilization which enclose it are at fault, and demand correction. As a matter of fact, there are comparatively few complete markets. Markets are limited in a great variety of ways, and it happens but rarely that all the production which, in any one commodity or in any given area, in any one period or in any single place, should be represented in the comparison which determines prices, is represented. We are constantly, therefore, giving an ideal completeness to the law of competition which does not belong to it. It would possess this perfection only if the way had been perfectly prepared for it. If we wish competition to become an adequate and beneficent force, we must intermeddle with it; we must provide the suitable conditions under which it takes full effect. It does not provide its own terms, but acts under the terms, fortunate or unfortunate, which chance to be present. A market rarely gathers in, with certainty and decision, the productive forces subject to it, and rarely, therefore, secures that full comparison on which competition, as an economic law, rests. The enlargements and corrections which make way for true competition are not here nor there, but everywhere.

Not only is any given market seldom adequate, it is seldom open. By an open market we understand one that gives free admission to all economic forces, and excludes all others. Deception and restriction of all sorts set aside considerations which should guide purchase and sale, or introduce considerations which are not pertinent to them. The open market discloses the facts in the case, and leaves the adjustment of prices to them. Competition which conceals or distorts the facts is no more a law of production than are theft and violence. We need not say how ideal is this conception of an open market; how many influences, designedly and undesignedly, steal into a market and deflect prices in one way or another from their true expression. The productive forces which Economics discusses, and which are properly the exclusive terms involved in competition, are frequently quite overborne by other influences wholly foreign to them.

Under the supposition of a complete response of prices to the ruling causes at any one time present, we have the assertion that there can be but one price in the same market at the same time. This is far from being true. Its truth would imply complete knowledge in any given market of all the conditions operative, that this knowledge was shared in common by every purchaser and seller, and that it was in no way disturbed either by a sanguine or a depressed temper. It would also imply that commodities of the same kind should not differ from one another in quality in any obscure way, or appeal to any eccentric taste or disturbing notions in men. These suppositions in no way conform to the facts of most markets. The controlling causes are

oftentimes estimated with great inaccuracy; those busy in the market have not the same knowledge of them, nor of what others may be doing, at any given moment, to modify them; commodities are separated from one another by very obscure differences; and many fanciful and freakish impulses intervene to modify results. Hence, in most markets there are many prices. A good buyer is one who understands this fact, and skilfully accommodates himself to it. The women who spend their mornings in shopping would regard it as a most stupid assertion that there is "but one price for a commodity" at one time.¹

The gist of this discussion is that when we are dealing with competition, as it offers itself in the commercial world, we easily lose sight of that careful comparison of productive powers contemplated in Economics, under the law of competition, and put in its place a variable, and oftentimes objectionable, form of social activity, pursuing a dubious way toward desirable results. We are misled by the agreement of words into supposing that the competition of trade, with all its unfair and deceptive methods, is the competition of Economics, resting directly on the facts in the case.

§ 6. What services are they which we look to competition to perform? These services are of much moment, and we know not how to dispense with them. The first of them is the determination of prices. By this determination of prices it regulates, in the second place, the amount of production. In the third place, by the same means it adapts production to the wants of men, and, in the fourth place, improves it in quality.

¹ "Political Economy," F. A. Walker, p. 95.

The ruling impulse, in each of these services, is awakened and sustained by competition, but no one of them is perfectly performed. They are, one and all, rendered with serious abatements.

Competition determines prices. How can the possibilities of production, varying with physical circumstances, varying with personal endowments, measure themselves against themselves, otherwise than by that comparison involved in competition? We cannot advantageously sustain men in any given form of production without reference to their grade of powers; we cannot determine what that grade is otherwise than by the strife of trade which defines it. We wish the most skilful production, we wish the low prices incident to it, and these we secure by the sifting processes of an active market. Yet this regulation is not perfect. There are most undesirable and extreme fluctuations in prices, and adventitious forces find their way freely into them. The work is done; not perfectly, but we do not as yet see how it can be better done.

The rise and fall of prices determine the activity we can wisely direct to each branch of business. The automatic mechanism which apportions human effort among the innumerable forms of production is set in motion by competition. Here again we make bad mistakes, and suffer the evils of over-production; but we can conceive of no oversight which would take the place of the eager, interested, universal watchfulness called out by competition. The man who makes a mistake is immediately punished, and he who is alert and astute is as quickly rewarded.

The most extended example of over-production is that

of machine products.¹ Our suddenly acquired and tremendous powers in this direction have run away with us, and our dangerous over-production has been brought home to us by crushing forms of competition. This fact discloses, as we shall see, some limitations to which this economic law is subject, but does not show that there is any other safer path which we can pursue.

Competition is also constantly operative in adapting commodities to the wants and tastes of men. The increasing suitableness of products is one of the conspicuous gains of civilization, and it is due almost wholly to that eager competition which is on the alert to discover and call out a new demand. This impulse has also its evil side. Desires are evoked in a mischievous, as well as in a desirable, form, and trade, seeking immediate profit, proceeds in oversight of greater ultimate good. Yet the more substantial gains are usually found with the more sound and comprehensive purposes.

Akin to this improvement in kind is the improvement in the quality of goods. Great successes are often achieved in this direction. The enterprise that shows itself in superior quality of production unites at once personal and general welfare. Nor can we otherwise give equal vigor to this spirit of improvement. Yet here as elsewhere our gains are accompanied with corresponding losses. Competition is responsible for those imitations and imperceptible changes which cheapen products without an equivalent reduction of prices. Each advance gives occasion to a regression by which our gains are in part stolen from us.

These four functions involve so many particulars —

¹ "Recent Economic Changes," David A. Wells, p. 3.

particulars so widely scattered and beyond the observation of any one set of persons — as to demand, in their performance, that omnipresent and Argus-eyed agent we know as competition; a competition that sets every one everywhere at work, at the pitch of his powers, to secure the advantage nearest him.

Competition, through its service in settling price, quantity, adaptation, and quality, becomes the chief instrument in distribution. While we are by no means satisfied with the way in which products are divided among producers, we are at a loss to discover any more just principle than that involved in competition, or any practical method of distribution promoting more effectively the general purpose of social discipline.

Neither the amount of labor nor the kind of labor performed, nor the two together, would suffice to determine prices advantageously. Aside from competition, neither of these two terms would be present, in any fulness, as subjects of estimate; and any estimate we might make in anticipation, or in the progress of events, would come to a speedy halt under the inertia of events themselves. The most obvious principle of justice which concerns distribution is, that every man is entitled to his own powers. There can be no more manifest robbery than that which deprives one of the fruits of his own labor. Competition discloses quickly and certainly insight, industry, enterprise, and, in conceding them their advantage, plants itself on the undeniable principle — a man is entitled to himself. If we are wisely to lay down between man and man the lines of possession, this first truth in the code of justice must find free play. Indeed, we can bring no attack against the

awards of competition except under this same principle, that some one has been robbed of the returns of his powers.

The social discipline offered by competition is also of the best. It leads directly to individual enterprise and combined effort. The largest profits are found in those undertakings which best unite insight and assimilation, the largest production in complete submission to the wants of men. Competition rests, therefore, on the acceptance of productive forces in their most direct, effective, and just form. Our labor lies in assigning those equal conditions under which the personal rights of every competitor are fully sustained. This simply means that competition is not allowed, by some false step, to arrest itself.

The inevitableness of competition has given it with economists the force of a supreme law. It has been, therefore, with some surprise and chagrin that it has been discovered that this law does not itself control the terms under which it takes effect, and that it is as needful for us to know its limitations, and prepare the way for its successful operation, as it is to accept it in its services.

§ 7. The earliest limitation of competition, and one that is never wholly cast off, is that of custom. Competition, a prevalence of a sense of values in a community and an easy motion within itself in reference to them, does not belong to primitive forms of life, but is the result of very considerable development. The village community, with weak and restricted ambitions and familiar relations, defining the position and duties of its members, gave little occasion for traffic. The im-

pulse to trade was neither strong enough, nor general enough, to develop the laws which lie latent in it. Customary sentiments were far stronger. Trade first gained freedom between different communities in transient markets, where strangers met each other and where the restraints of custom were no longer felt. This liberty it carried much later into the relaxed relations of citizens. A long period in social development has gone before the industrial era, and has felt but lightly its impulses.

There are also many shreds of custom which remain, even in the most active commercial periods, and put no inconsiderable restraint on competition. Many articles, for convenience, bear a fixed price, as a loaf of bread, a glass of beer, a cigar, car-fare, hack-fare, tolls, admissions to places of amusements. The rewards of professional labor are largely assigned either by custom, or by the monopoly of unusual powers. The services of a physician are given at a recognized rate, or the charge is increased by the reputation the practitioner has secured. The condition of complete competition is the power of several to render essentially the same aid, with the absence of any settled price.

A feeling of partiality prevails in all occupations in which personal contact and personal qualities play any considerable part. The wages of teachers are assigned more frequently by custom than by competition. Till recently, professors in colleges received the same salaries, each college suiting its payments to its resources. Competition is now somewhat altering this method. In the ministry there is a strong religious sentiment, which struggles against a law of remuneration which simply

expresses commercial relations. "A wicked world is ready to sneer at the call of duty, which is also a call of dollars."

An important and unfortunate limitation of competition arises from the ignorance of those extremely poor, and from their narrow resources. The poor are not good buyers, nor do they buy at the best places. The kinds of goods they can purchase are so inferior, or the amount called for is so small, or their credit is so limited, or the range of their knowledge is so restricted, or their diffidence and distrust are so great, that they buy almost exclusively in poor localities at exorbitant prices. Even in large commercial cities, there are certain streets and sections where rates have little to do with the current cost of goods. This tendency to a patient submission to hard terms is enhanced by national and by clannish predilections. Customs which in the outset completely rule prices never wholly give way in the lower classes.

Another limitation is some form of monopoly. We need not speak extendedly of legal monopolies, for commerce has long contended against them. Yet even here there is a very considerable remainder. Protection, as a civic dogma, aims to limit, and does greatly limit, competition, and that too within the nation protected as well as without it. Patents and copyrights do the same thing. The government prefers to sacrifice the freedom of production to other interests which it is pursuing.

There are many natural monopolies from which there is no escape, or only a partial one. All personal power that is incapable of acquisition is, in the services it

renders, a monopoly. The qualities of different soils, fitting them to a peculiar form of production, as of wine or cotton or fruit, place their owners beyond the range of competition. Various favorable positions in a commercial city have a similar effect.

There are also many important monopolies in modern society which rest partly on law, partly on the nature of the case, and partly on the interests of the community. A good example of these is the gas supply of a city, or of any subdivision of it. A corporate company receives the privilege of supplying a certain area with gas. The securing of a site, the building of works, and the laying of pipes give the first occupants an advantage not easily overcome. Of much more importance is the fact that the community can be best, and most cheaply, served by a single plant. The larger the gas-works, the more economically they can be run. It is a great annoyance, and a useless expenditure, to pipe twice over the same district. Competition, therefore, instead of reducing the price of gas, must necessarily increase its cost, or result in serious loss. If a single company can be compelled to satisfy itself with moderate profits, it can render a given district a cheaper and better service than can possibly be secured by two companies.

Hence, as a matter of fact, most competition in the manufacture of gas is apparent, not real. It issues in the absorption of the weaker plant by the stronger, and in a rise of prices to meet the waste of capital. The threatened formation of a second company may be employed either as a means of forcing a way into the first company, or as a means of compelling it to buy off the intruders. Competition, in any field in which the

service can best be rendered by a single agent, becomes a kind of blackmailing.

To this class of quasi-monopolies belong public electric lights, water-works, street-railways, oftentimes omnibus-lines, telegraphs, telephones, railroads. Strictly parallel, or proximately parallel, railways are quite sure to fail of their apparent purpose. They put upon the community a more expensive and cumbersome service, and must themselves endure the loss, or inflict it on others in high rates. An apparent effort of this order to reduce prices is likely to issue, as in the case of the West Shore Railway and the New York Central, in the passage of both roads under one management, with a heavy loss of capital. The last state, so far as cheapness and efficiency are concerned, becomes worse than the first. Railroads, from the nature of the case, are in a high degree monopolies. We can no more advantageously duplicate them, than we could profitably pour two rivers through one valley. They are best treated as monopolies. They are often also monopolies by terminal advantages, such as well-located stations and depots, access to elevators and waterfronts, a favorable passage through cities. Most of these gains cannot be duplicated. The best way tends to exclude, and ought to exclude, all inferior ways. Natural advantages are not concessive to competition and often entirely circumvent it.

To the force of custom among men, to the force of natural tendencies in things, is to be added, as a third restraint on competition, a rapid accumulation of power in single hands by virtue of the very process of production. The inequality between producers often becomes

so great as to render competition merely formal. The strong are left in possession of the field. In manufacture the best machinery, — often expensive and requiring frequent change — superior ability in direction and oversight, innumerable economies made possible by the magnitude of the business, advantages in the purchase of material and in the sale of goods, felicity of position, and ready access to the best markets, unite to strengthen certain establishments and to take from others all real power in regulating prices. A large producer can satisfy himself with a per cent of profit which would yield no adequate return to a moderate producer. One-tenth of a cent on a yard of cotton yields the manufacturer of a hundred thousand yards one hundred dollars, but the manufacturer of ten million yards ten thousand dollars.

In commerce similar advantages and the advantage of opening and controlling new markets lead to similar results. A great retail merchant is able to give a rapidity and a decision to sales which keep him constantly in the foreground. He opens at a favorable moment in full variety certain seasonable styles of goods. He attracts at once the best purchasers. As soon as the sales relax, he marks down the remaining goods, closes them out at a sacrifice, and starts in a new direction. His profits in the earlier season make insignificant the losses of the later season. His feeble competitors are hardly in the field before the fall of prices commences, and they share in the loss with slight participation in the previous profits. The strong man keeps the crest of the wave, and leaves the hollow of the wave for those behind him.

¹ "Recent Economic Changes," p. 462.

Even agriculture does not wholly escape the pressure of realized advantages. A wheat-field in which twenty reapers start out at once is harvested more cheaply, and oftentimes in better condition, than the few acres of the moderate farmer. Competition is not a process which constantly renews its own conditions, but one which tends to restrict itself by permanent advantages.

Civil law frequently comes in to aid this movement. The state, in the pursuit of one or another object, or in concession to the interests of the ruler, greatly facilitates this tendency toward accumulated power. Its taxes may be so laid as duties or excises or licenses as to modify production, and give certain producers a grave advantage. The very power of the industries favored by law enables them to claim and secure more and more favorable conditions. They are soon safely intrenched against all ordinary assaults of competition in economic and civic gains which are the very substance of their wealth.

Patent laws have been a constant resource of capitalists seeking safety from competition. Patents have been accumulated and held back to cover, in surreptitious ways, large concerns to which the public was under slight, if any, obligations. The inventor, to whom exclusively the public owes its debt, receiving a lump sum, or hired on a moderate salary, has often been but a meagre partaker in the fruits of his own labor. The state has been wholly unconcerned while a rich company has converted the rewards of invention into extravagant returns, and thus appropriated them. The profits of the Bell Telephone Company have been, for a series of years, more than a hundred per cent. When

the state is pursuing a desirable end, it seems to care very little whether that end is reached, or whether its gifts are diverted to purposes wholly undesirable. The state has thus, with great indifference, as in the case of the Carnegie Iron Works, increased a power already too great for free competition. It has not assiduously sought the freedom of trade.

The most important direction in which the state has unintentionally altered the terms of competition, has been in creating new legal entities of unusual power, and frequently with unusual privileges. The state could not have anticipated the startling results of its own procreative processes; nor, if it had, could it well have refused to enter on a method so wonderfully productive. Now, having had an abundant experience of the evils of accumulated power, it is bound to provide the remedies of its own remissness. It alone can cope with what it alone creates.

The simplest legal concession in the direction of combination is that of partnership. Two or more persons, uniting in business, secure the legal rights and the unity of action which belong to an individual. They, on the other hand, are collectively and singly subject to the same claims as individuals. A marked extension of this principle of combination is that of the corporation. A body of persons, large or small, is enabled to act, through executive officers, as one person, is often endowed with rights quite beyond the scope of individuals, accumulates large resources in a single undertaking, and is limited in its responsibilities to its joint action. A joint-stock company gives the method still further freedom. The company is indifferent to the number

and the locality of those taking part in it. The interest and the responsibility of the individual are limited to the stock held by him. There may be a constant change of membership without affecting the identity or altering the power of the company. The officers of the company control its affairs with only an indirect, and frequently with a very indifferent, reference to the wish of its members. There is no competition in business more to be feared than a well-managed company. The aggregate of capital may reach a large amount. Losses are distributed between so many, and are so dissociated from the general welfare of the holders of stock, as to inflict but little suffering, or to impose but slight restraints. The resources of the company may be rapidly increased by the promise of profits. Its management is impersonal, and is open to no appeals of forbearance or of sympathy.

If a company, in possession of a costly plant, finds, in common with other producers, that immediate profits are impossible, it may prefer to push production till the weaker are borne to the wall, and then cover its losses in the better times which are sure to follow. The company has little or no power to change the direction of its action; it has great powers of endurance, and it prefers to increase the pressure till relief is found in crushing the weak.

A further incident of the concentration of power, due in part to development in production and in part to heedless concessions of the state, has been the mastery which a company may secure over independent but subsidiary branches of business. Thus the Standard Oil Company owed much of its success, in the outset, to

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the influence it exerted over railways, an influence that quite anticipated all fair competition. In one of our large cities, a company whose object was to remove manure, obtained, by means of docks and boats and railroads, so complete a mastery of the business as to be able to compel a stable which had previously sold its manure for a thousand dollars to give two thousand to have it removed.

A fifth limitation arises from the very nature of competition itself. Competition varies in degree and in character with social phases. It is not a universal force of equal power in all periods, but one that takes a changeable part in different periods. There are, in reference to competition, an early, a middle, and a later stage. In the first of these, competition is scarcely felt. In the second, it is in full and favorable operation. In the third, it suffers perversion and suspension from the violence of its own action.

The primitive period is that of custom. Men aim chiefly at simple subsistence; competition plays an inconspicuous part.

When the second or industrial era arises, and, under the modern forms of discovery and invention, begins to issue in a rapid extension of social power, men are widely stimulated to production. Competitive effort springs up on all sides, and the race for prosperity commences. But this stage is not a permanent one. As in other races, advantage and power soon develop themselves, first bring the struggle to a crisis, and then to a close. Wealth accumulates in a few hands. Natural and acquired advantages gather about it. Growingly powerful means of production are concentrated in

costly plants. Weak competitors are driven from the field. The arena is cleared for the strong. Men push each other to a point at which gains cease to be possible, and heavy losses are suffered. Competition, in place of a wholesome rivalry, becomes a war of extermination. The only relief from the excessive pressure is the earlier one of combination, or the later one of the complete triumph of the strongest. Competition means in Economics a wholesome comparison of results which compels each producer to do his best, and rewards him according to the excellence of his work. As a matter of fact, competition becomes, in the progress of events, a deadly conflict in which all suffer severely, the weak perish, and the strong survive to rule the field. There is as much difference between productive competition and competition in the last stages of commercial war, as between a cylinder in measured revolution and one that begins to fly in fragments in all directions. The only relief, for example, from ruinous competition between railroads, a competition that disturbs all branches of business by its uncertain rates, is oftentimes a pool that replaces unbearable losses by a division of profits.

The speculative temper is developed by this struggle, and adds itself as increased risk to the competitive strife. Men accustom themselves to danger; they live in a feverish atmosphere at a far remove from firm, continuous production.

There thus arises a most serious moral limitation to competition as a productive principle. The severity of the strife makes men unscrupulous. They look upon business as a kind of warfare. On this plea they justify to themselves and to others a great variety of

unfair and destructive methods which promise success. The competition contemplated by Economics is displaced by something which bears the same name, but is almost wholly another thing. Production is not regarded in its productive processes, nor in the harmony of its final adjustments, but as an immediate triumph of personal interests.

It has thus happened that competition, so misdirected, has ceased to be accepted by many as a natural and beneficent law, and has come to be looked on as an empty plea for all forms of injustice. The common weal, as sought in Socialism, is made to replace the ruinous warfare of individual interests.

As another result of the same evil, capitalists justify the various forms of trusts as nothing more than a reasonable safeguard of profits. Workmen, who have long suffered the worst results of misdirected competition, combine to put upon it some wholesome restrictions. Workmen have been only too slow in learning in the school of experience this lesson of making ready for strife.

It thus becomes most true that the economic history of the world does not teach us to look on competition as a law allied to gravity, unavoidably and uniformly beneficent, but as a variable relation with gains and losses; the one to be secured and the other to be escaped, with clear insight into the existing conditions of welfare.

§ 8. What, under all these limitations, remains of competition as a social law? We must still allow it the rank of a natural tendency, potent in the resolution of many difficulties and in giving the primary condi-

tions of movement. Emulation arises inevitably among men. Virtue could hardly have its true power without it. But if we insist on transforming emulation into a systematic government, as in the regulation of a school, it at once develops grave evils. Competition gives play to individual powers. It begets motion, and settles the leadership when confusion arises. It keeps in the foreground the efficient forces of the world. We are thus, as in a wise hygiene, prevented from putting the remedy in advance of the disease. We assume health as the normal condition, and the normal conditions as involving health, and use no recipe except as the corrective of a distinct and positive ill. We have no fear of remedial measures if called for, but we wish the call to be clear and definite. Natural forces are kept in the foreground as opposed to artificial ones. We thus escape the fate by which we suffer many things of many physicians, spending all that we have, and are nothing bettered but rather grow worse. Such a safety is quite as much an achievement in social as in physical therapeutics.

We conclude, therefore, that competition, acting in a restrained way, will always be a factor in economic growth; that it will be increasingly modified by Civics and Ethics — men intelligently proposing and pursuing their common welfare; and that it will more and more pass by quiet diffusion into those higher phases of development in which natural laws are taken up into reason and ruled by it. As instinctive life prepares the way for rational life and sustains it, so competition, by an inevitable movement, leads us onward to a stage in which, in common with all productive agents, it is assigned its exact service.

We are neither to reject primitive powers nor acquired powers, first gifts nor the wisdom by which we correct them. It is a great object in the economic and in the social world to put every man in the right place. Shall we expect to do it off-hand by devise simply, or shall we leave every man to find his place as best he can? If we are to do either the one or the other, we must do the second. But are we bound exclusively to either method? We may leave the stream in its own natural channel, and there put upon it such modifications as suit our purpose. We may let each man strive to find his own place, and still, in all feasible ways, assist him in finding it. As we see men and women stream into a great city as the labors of the day are opening, we may be glad that no man or body of men is charged with the task of directing each unit in this great tide of life; but we may also rejoice that there are so many helping ways and hands by which the stranded are gotten back into the stream and pushed toward their goal.

Herein we see the higher temper of Sociology. It stands for the synthesis of many forces and for that light of thought which does more than reveal the progress of events. It strives to gather all agencies, each in its own proportion and for its own purpose, into that supremely natural and supremely rational result, the welfare of man.

CHAPTER III.

SOCIAL GROWTH IN THE SEVERAL FORMS OF PRODUCTION.

AGRICULTURE.

§ 1. WE have discussed the degree in which the primary principles of Economics are, in their application, modified by the complex social facts with which they are associated. We wish further to consider the development which the facts of Economics themselves undergo, and the social changes which accompany it. We need to do this in connection with production, distribution, and exchange. The three branches of production, — agriculture, manufacture, and commerce, — while undergoing each its own transformations, mutually accelerate the growth of one another.

§ 2. Agriculture is the primitive form and source of production, and always remains the one which absorbs most labor. In our late civil war forty-eight per cent of the enlistments in the service of the United States were from agriculturists, and twenty-four per cent from mechanics. People in agricultural pursuits, though sturdy and reliable, are usually slow to improve. The hardship and seclusion of their work tend to leave them dull and unenterprising. Slavery and serfdom have constantly sheltered themselves in agriculture. The improvements in agriculture, in the modern era, have taken place chiefly in the eighteenth and nineteenth centuries.

At the opening of the eighteenth century, dressed beeves in England averaged 370 lbs., and at its close 800 lbs. Sheep at the beginning averaged 28 lbs., and at the end 80 lbs.¹ Not only was breeding greatly improved, but the fertility of the land and the yield of food were much increased by the introduction of clover and turnips, and by drainage and manure. The present century has carried these improvements rapidly forward, and has added to them an immense amount of farm machinery. The increased demand for produce, in consequence of the growth of manufacture, and the marvellous inventive ingenuity developed in connection with manufacture, have told powerfully on agriculture, transformed it as a productive process, and greatly affected the social character of those engaged in it. They are coming to feel the general movement of the world, and to claim their portion of influence in it.

§ 3. The two questions in connection with land which chiefly interest society are its tenure and the size of holdings. In the primitive era land was held in common. This arose from the controlling character of kinship, from the fact that men lived in small hamlets for mutual protection, that the community rather than the individual was the significant unit, and from the abundance of land and the small range of enterprise. This common tenure gave three divisions, — arable land, pasture, and forest. The last two were used in common; and arable land was assigned to households, with more or less frequent transfer. The chief features of this phase of development were the communal character of

¹ "Pioneers and Progress in English Farming," R. E. Prothero, p. 53.

social interests, the force of kinship as a social tie, the simplicity of life, the narrow range of arts and their domestic character, the smallness of numbers, and the general contentment with mere support.

This stage was broken up by war, by the growth of classes incident to it, and by economic development. As soon as war laid open the lands of others, or developed powerful classes, there was a strong tendency to an extensive appropriation of the soil, attended with much injustice and complaint. Thus Spurius Cassius and Marcus Manlius lost their lives in Rome, in defence of the popular rights to the soil.¹ War, by promoting diversity of rank, and by giving an opportunity to appropriate land freely, — as by the leaders of the Saxons in England, — broke in on this first equality of rights. Later, the development of arts and of agriculture tended to the same result. Agriculture came to be looked on as a means of wealth. Land, as an instrument of production, could be handled freely and successfully only in connection with individual ownership. Fields held in common were restricted, and were subjected to the common convenience, both in sowing and gathering crops. They were protected from cattle and open to cattle as the people, moved by no stringent impulse, chose. The indifference and the moderate wants of the many rendered nugatory the enterprise of the few. The individual could gain unobstructed opportunity only by complete ownership. Thus in England, the raising of sheep, when it became a source of wealth, greatly promoted the enclosure and personal control of land.

The military era, which presented itself in Europe in

¹ Mommsen's "History of Rome," vol. i. pp. 363, 380.

the Middle Ages in the form of feudalism, gave occasion to a peculiar tenure. Military organization was carried into social relations. Land was assigned by military leaders to their followers, and held subject to certain services, partly military and partly fiscal.¹ These services, more or less variable, became a ground of dispute, and were capable of being made, as in France, extremely burdensome. Especially distasteful in England, they were slowly cast off, and finally abolished in 1660. The extent and unyielding character of these burdens in France was a leading cause of the Revolution.

The third, or industrial, era tends strongly to fee-simple. Land is thus placed fully in the hands of those who are most able, and, as a rule, are most disposed, to use it profitably. Power is a condition of productive progress. Tenure of land in England has been made complicated by the conflict of different methods, but the commercial tendency has carried ownership over more and more to fee-simple. The easy transfer of land, which is incident to fee-simple, has been resisted by primogeniture, by the entail of landed estates, and by rental for long periods, all associated with the maintenance of a landed gentry. While much has been done to make land mobile, much remains to be done before it will be perfectly obedient to economic forces. A strong tendency to entail is still present, and the title to land is not readily transferred. The Australian method of a title guaranteed by the public — open to unobstructed commercial forces — is yet to be adopted.

As early as the fifteenth century, agriculture passed

¹ "History of England in the Eighteenth Century," Wm. E. H. Lecky, vol. v. p. 376.

in England from "self-sufficiency to profit-earning," chiefly as the result of the development of the manufacture of woollen goods in Flanders.¹ Complaints of the enclosure of land for the rearing of sheep became very urgent and general. Sir Thomas More affirmed that they threw down houses, plucked down towns, left nothing standing but the church, and used that as a sheep-house. This industry gave the first blow to the early power and independence of the yeomen of England, in the fourteenth and fifteenth centuries. The movement was accelerated in the eighteenth century, and the earlier portion of the nineteenth, by the rapid development of manufacture, and the demand it gave for agricultural products. Enclosures by Acts of Parliament, which were comparatively rare in the earlier portion of the eighteenth century, became, at its close, frequent and extended, and the great estates of the present period were built up.²

The results of this enclosure of land, before open to the public, were wholly unfavorable to weak farmers. They lost their pasturage, and were at the same time hard pressed by the superior productive power of their neighbors. Domestic manufactures, which had been a subsidiary source of livelihood, were slowly disappearing. Emigration and the growing demand in towns for labor drew away the most enterprising. The less enterprising sank under the general pressure, and became tenants and farm-hands. Land, under the general law of commerce, passed into the possession of those who could hold it

¹ "Pioneers and Progress in English Farming," R. E. Prothero, p. 18.

² "History of England in the Eighteenth Century," vol. i. p. 565; vol. vi. pp. 172, 196.

most profitably. This tendency in England to concentrate the ownership was increased by the love of rural pursuits, by the social distinction which has been connected with large estates, and, for a long period, by the protection of farm produce and the political power of the country magnate. While rent doubled, the wages of farm-hands increased but one-eighth.¹ The great reduction in the profits of agriculture and the growing claims of farm-hands are now acting in the opposite direction. An effort is made to supply the workmen with a modicum of land. The small economies of the moderate farmer, the light returns he accepts for his own labor, and his patience under hardship, aid him, when prices are low, in securing and holding land.

§ 4. The second point of interest in land is the size of holdings. Holdings may be divided, in a simple way, into large, moderate and small holdings. Medium farms in this country would cover those which are sufficiently large to fully occupy a household, and not so large as to much exceed its power. The designation is a vague one, as much depends on the character of the customary cultivation. Farms between eighty, and three hundred and twenty, acres are regarded in the United States as moderate farms.

Each of these three forms of holdings has its advantages and disadvantages, from an economic and social point of view. Large holdings may be associated with rent, or may be cultivated directly by the owner. We first consider the more common form, large holdings united with rent. In England and Wales, two-thirds of

¹ "Pioneers and Progress in English Farming," R. E. Prothero, p. 224.

the soil is owned by 10,207 persons; in Ireland by 1,942; and in Scotland, by 330.¹ England offers a favorable example of land cultivated by tenants, and Ireland a very unfavorable example. The two, as contrasted with each other, show how much economic relations are modified by social sentiments and customs. The tyranny of the past, differences in national character, religious prejudices, the accumulated evils of a bad system, have operated in Ireland to make the relation of landlord and tenant unendurable. The economic forces have been unable to right themselves by their own action, and a civil remedy has been sought.

The social evils of rent are a permanent division in social classes, with a comparatively light service rendered by the landlord to the community. He is, in a measure, and still more he seems to be, the sole heir of the common heritage. Farm-hands are likely to be depressed into a distinct class, without intelligence and without enterprise. This evil has been very conspicuous in England, notwithstanding the good terms on which landlords and tenants have stood with each other. Farm-hands have felt the full weight of an inelastic system, and have reached a very low point under its steady pressure.

The economic evils of rent are the readiness with which it becomes extreme, its want of adaptation to favorable and to unfavorable seasons, the social depressions which may accompany it, — as under the repeated subletting in Ireland — and its unfavorable relation to all improvements. The tenant is not usually in a position to confront the landlord and secure fair

¹ "The English Constitution," E. Boutmy, p. 140.

terms. He has too little power to change his location, and suffers too much loss in connection with such a transfer to incline him to resist extortion. The motives to enterprise in methods of cultivation are greatly reduced. Agricultural improvements involve the permanent betterment of the land, and include in their returns a long period. This slowness of profit is sufficient of itself to deter the less active minds from effort, and is much increased in its influence by a prospective unfair division. The gains and losses of husbandry are not readily and equally divided between tenant and landlord. The agriculturist, slow to feel the incentives to progress, is further weakened by his subordinate position. So great do these evils become as to compel the state to provide for more moderate rents, a more just division of the gains of improvements, and more favorable conditions of purchase. Neither as a social nor as an economic system has rent much to commend it.

Large holdings with direct cultivation have advantages. They favor all forms of improvement, and they raise the social standard. Enterprise and capital are brought to agriculture and the magnitude of the operations gives an opportunity for the profitable use of the best machinery and the more costly methods. It is especially true in farming that the destruction of the poor is their poverty. The chief social evil of these holdings is that they accumulate power in the hands of a few, and so tend ultimately to arrest the organization of society.

The United States is characterized by moderate holdings, with a tendency, in recent years, to large holdings. In 1870, the number of farms between 500 and 1,000

acres was 15,873 ; in 1880, it was 75,972. The number of farms of 1,000 acres or over in 1870 was 3,720 ; in 1880, it was 28,578. There was also a falling off in the number of farms below 50 acres.

The advantages of moderate farms are extended ownership, social equality, and good citizenship. They favor personal oversight, promote small economies, and call out in their owners any latent productive power. Their disadvantages are the frequent lack of the capital necessary for good tillage, and the readiness with which the methods of cultivation, by the contagion of bad habit, become careless, inadequate, and wasteful. The farmer, in simply comfortable circumstances, is impelled neither by wealth nor by poverty. He is satisfied, like his neighbor, with "getting along." This unambitious mood is unfortunate socially and productively.

France is an example, on the whole, of small holdings, though these are united with many large ones. Three millions own, on the average, $2\frac{1}{2}$ acres ; two millions, 15 acres. A tax of four per cent on farm-houses bearing a rental of fifty francs yields \$700,000. Small holdings were common in France before the Revolution, and were greatly promoted by it.

The evils of small holdings are serious. They are not favorable to the use of farm-machinery, or to novel or expensive improvements. They interfere with the division of labor. Not only does the peasant perform every kind of farm work, he has little to expend in the outside world, and so is led to do all that he can do in providing himself with tools, shelter, and clothing.

¹ "Travels in France," Arthur Young.

Thus the standard of living sinks very low with a corresponding humiliation of character. Society is wanting in intelligence and enterprise, and becomes immobile. His small piece of land is to the owner a ball and chain which bind him to poorly requited toil. This form of holding may offer an example of the miscarriage of extreme democracy.

Over against these grave losses are to be put some very palpable gains, the independence and self-supporting character of the peasantry, the large aggregate amount of their earnings, and their conservative character as citizens. We shall meet with very different descriptions of the French peasantry according as attention is directed to their social character, or to their economic strength. While they are "penurious, patient, and frugal," they are stolid, superstitious, and cruel, and their lives revolve in a very narrow circle. The same author may speak of them as ignorant and superstitious, and as industrious and independent.¹

The more desirable form of holdings is that in which moderate farms predominate, but are united with small farms and with a few large ones. The large ones serve to awaken enterprise, give instruction, and establish standards. The small ones offer rounds in the ladder of social progress, and help the farm-hand to climb out of a permanently servile position.

§ 5. The ownership of land is a prominent point of attack in social theories. The most sweeping of these theories is Socialism, assuming various forms. Though it is supported by many other considerations, it draws an initiatory and most telling argument from man's relation

¹ "France of To-day," Miss Edwards.

to the soil. It is urged that the soil, like air and water, is a common gift to man. If ownership is allowed to extend to land, this ownership ultimately subjects the mass of men to those who have acquired the soil and the capital associated with it. Men cannot preserve their independence, nor, in an extreme case, the bare possibility of existence on these terms.

It is also urged that the value which ultimately attaches to land is not the result of the labor of those holding it, but the fruit of the conjoint labors of all. This increment in the hands of the landlord is unearned. Ownership in land is not, therefore, permissible, because land is the common term of prosperity, and because its value, as a productive agent, is the fruit of joint development.

This argument extends to fixed capital, partly from a parity of reasons and partly from its inseparable association with soil. The argument is summed up in the assertion that the necessary means of subsistence must belong to all, and be held subject to the common welfare. To concede an appropriation of these means of life by private enterprise is to incur the possibility of the entire dependence of the many on the few, and to reach the actuality of bitter poverty in the rank and file of men. The general welfare is a conjoint consideration, and must be provided for collectively.¹

Socialism demands attention because of the ability and virtue of many of those who advocate it, because it aims at what all effort should aim at, the public welfare, and because it pushes into the foreground one of the two elements which hold each other in equilibrium in prosperous society, collectivism. Many of

¹ "Socialism and Social Reform," R. T. Ely.

the incidental aims and tendencies of Socialism are prevailing, and are sure to make still greater way for themselves in the future.

Socialism is formidable because of its appeal to a large class of philanthropic persons, because it gets to itself leaders of energy and devotion, and at the same time gathers a crowd of those who are failing to unite themselves profitably to society in its existing form. Many obscure, restless, and troubled thoughts, many kindly and correct sentiments, cluster at this centre. A small percentage of just claims gives color to all.

The chief tenets of Socialism, in its most consistent form, are the ownership by the state of all productive agents, equal returns for equal amounts of labor measured in time, a recognition of the time involved in a preparation for difficult forms of labor as well as of the time expended in them. Socialism is designed to set aside competition, to anticipate the power which men gain over each other in the progress of production, to provide common and equal conditions of comfort for all. Private property remains in the appropriation of the returns of labor, waiting consumption; private enterprise remains in the industry which accumulates these returns; and retribution remains in the want which accompanies indolence. In these particulars it separates itself from Communism. Mr. Gronlund puts it in his "Co-operative Commonwealth," in this form. "Everybody according to his deeds, is Socialism. Everybody according to his needs, is Communism."

Socialism owes its origin to Saint Simon, Fourier, and Owen at the opening of the present century, and its systematic development to Karl Rodbertus and Karl

Marx.¹ In this country Mr. Gronlund has been its most thoughtful, and Mr. Bellamy its most popular, advocate.

The errors of Socialism are unmistakable. It breaks with history. It discloses no adequate sense of the slow, instinctive, organic tendencies involved in the development of society, and supposes that wide and rapid changes are possible to it. This error is so fundamental that it carries with it many others. Reason builds itself up in human life and in society on a basis of necessary, half-conscious, organic actions. It can extend and sustain itself in no other way. Thus, in the body of man, the strictly instinctive connections of stimuli and muscular actions prepare the way for and support voluntary effort. Socialism does not connect its proposed action with existing tendencies and predilections otherwise than by extended modification and overthrow. It does not rest on existing constructive agencies, putting upon them the slight changes they are prepared to accept, but treats them heroically.

Socialism lays chief emphasis on organism as opposed to inner life. Organism is of much moment, but is utterly inefficacious without the impulses appropriate to it. It may do something in calling out the needed supporting sentiments, but not very much. The eternal order of growth is inner life shaping outward forms, and outward forms ministering to inner life. Society, acting collectively, can never be in advance of the sentiments of the mass of its citizens, nor, indeed, in its consecration to the public welfare quite up with them. Inertia and the lack of adaptation to the new method will retard it somewhat. Collective action is more obscure, more

¹ Pres. E. B. Andrews, *Journal of Political Economy*, No. 1.

provocative of selfish impulses, than individual action. It is subject to a larger chapter of accidents, and each accident brings more extended confusion. No penal methods, no reformative methods, no administrative methods, are habitually sustained at the mark which the mass of citizens would desire to have them reach. They all suffer a painful infusion of evil from the less virtuous portion of the community. It is folly, therefore, to suppose that society can organize itself into virtue. Vice is sure to win something more than its full proportion of influence in the conjoint product. Whatever truth there may be in Socialism, neither it nor any other system can carry the state by storm. It, in common with all improvements, must creep slowly along the paths of individual virtue.

Socialism cuts deeply into individualism. We may fully recognize the part that organism is ultimately to play in society, and still see that its nearness and its success are wholly dependent on the antecedent development of individualism. Personal power is the promise of all true nationalism, and its permanent term. The body of man can become increasingly organic only as its several parts are increasingly specialized. Specialization and organization forever supplement each other. Neither can progress without the other.

Socialism would fail at once, or at once lead to unendurable tyranny. Lacking the intrinsic impulses in men's minds needful to support it, contending with the ignorance, selfishness, and wilfulness of individuals, it must begin immediately to sustain itself by arbitrary acts of power. It must look to those who have it in hand for success. Its leaders, like the leaders in the French

Revolution, could hesitate at nothing in support of a good cause. There is no tyranny so sweeping as the tyranny of dictatorial righteousness.

The devices of Socialism, by which it undertakes at once to displace all the accumulated motives and familiar methods of private enterprise, must, under the magnitude of the work put upon them, ignominiously fail. Inequalities, in their many pertinacious and inevitable forms, cannot be pushed aside in favor of equalities, with no sufficient ground in the powers of men or in their social attainments. Society can no more order its own life directly and finally by its own counsel than an individual can alter his stature, or circulate his blood, or digest his dinner, by giving attention to them. The wisest and most considerate men could only approximate justice in constructing a theory of wages. Many would be as thoroughly dissatisfied with such a theory, in its practical application, as they are now discontented with the existing state of things. A perfect conception of justice has not yet been reached, and—of much more moment—it is not sustained so far as it is present by the feelings of men. It must rest back on force.

Moreover, Socialism robs a man of himself. If a man belongs to himself—and if not, to whom does he belong—then his powers belong to him, and the advantages which these powers, under legitimate restraints, may confer upon him in production. Socialism starts with a perfectly arbitrary act, a surgery that cuts every man down to standard dimensions. The rewards of labor are made the same for all, under a rough estimate of time. The individual producer is not only robbed by this method of his powers, he is robbed of the most natural and direct motives for their adequate exercise.

The argument against a socialistic tendency which is most immediately unanswerable is that it has often been tried, in simple and crude forms, by a select few, and has uniformly and quickly failed. It has shown no organic force, and been found unworkable. The few apparent exceptions to this assertion are referable to some overruling impulse—as the organic power of religion—which has destroyed the force of the experiment as a purely social one. The right method of initiating any form of Socialism is this of narrow germinant communities, enlarging in their circumference by their own constructive force. The attempt has often been made by those much in earnest, and has as often miscarried. The needful motives, the spontaneous impulses, the habitual ways, were not present. If an evolutionary Socialism is urged, as enforced by Marx, it ceases to be a system practically, and resolves itself into a series of measures, each to be settled, as at any one time proffered, on its own merits.¹

Free discussion, a ready adoption of feasible reforms, a prompt suppression of violence, will not only render Socialism innoxious, they will make it productive of good.

§ 6. A second social theory associated with land, and of current interest, is that of "a single tax." The leading advocate of this view is Henry George.² It is a socialistic idea applied simply to land. It is sustained by somewhat similar considerations: that land is a common inalienable gift; that all, as a condition of safety,

¹ "Progress and Poverty;" "Social Problems;" "The Land Question."

² "Socialism, New and Old," Wm. Graham, p. 126.

must have access to it; that it has been wrongfully appropriated by a few; that its present value is an unearned increment. To these arguments are added the great oppression and injustice involved in our present methods of taxation, and the ease with which the burden would be borne if it were once laid upon land. The rent of land would, it is thought, be quite sufficient to permanently endow the state.¹

The reasons against this measure are first, the insufficiency of the reasons for it. It is not true that every man wishes or needs access to the land in ownership. The wishes and wants of men both admit, and that frequently, of entire indifference to land, as they do to any other one form of ownership. Many men, especially in cities, are in no way embarrassed by the absence of ownership in land; and even in the case of the poor, the gist of the difficulty is rarely found in this especial lack. Moreover, the proposed change, in opening land to all, robs the possession, by greatly limiting its range, of much of the attraction and productive power that it now has. As a motive to effort, its aggregate force would be weakened rather than strengthened. Land would become to us all much what the highway now is, an object of indifference.

The wrong which has entered into the acquisition of land no more invalidates existing titles than do the frauds of the past destroy other claims. Society does make, and must make, peace with itself in all directions. The increment in land is hardly more unearned, in the majority of cases, than the increment which is sure to accompany other forms of prosperity. The attention

¹ Thomas G. Shearman, *Forum*, vol. viii. p. 40.

of Henry George was drawn to land by the presence of very striking and very exceptional circumstances. The sudden development of an entire State, like California, the rapid growth of a great city, like Chicago, are attended by an appreciation of land which may confer great wealth with little productive labor. Much the larger share, however, of these gains—and law may well interfere to make the rule universal—are widely scattered and accrue to the community at large, the very community whose enterprise and good fortune have given occasion to them. Most of the rise in the value of farm-lands in the West has been the reward of the sacrifices incident to settling a new country, and have been advantageously distributed among those who have borne this burden of self-denial.

The merchant and the manufacturer and the laborer have shared this prosperity, and have enjoyed an increment due to the general welfare, not as distinct, indeed, but as certain, as that of the land owner.

The existing evils of taxation are fully admitted, but do not justify the wrong involved in the proposed remedy. The injustice of the remedy would be simply the fruition of the injustice present in the evils.

A positive and unanswerable objection to a single tax is that it involves confiscation, and that too, in many instances, of property in the hands of a most diligent and frugal class. The scheme would meet with little favor if the appropriation of rents involved a previous purchase of the lands from which they arise. In that case, whatever advantages have accrued from land as now held, would demand recognition and compensation. But if the rent of land is to be appropriated by the state

by virtue of its superior power, we commit and suffer an injustice so radical and unprecedented as greatly to weaken social ties and unsettle the notion of obligation.

From this plundering process there would be no escape for those subjected to it. The single tax would fall on a limited class, and would be incapable of diffusion. Under favoring circumstances taxes may be widely spread through the community, and rest but lightly on those who pay them. If a commodity can be successfully raised in price, then a tax on that commodity can be made to pass over to the purchaser in a measure determined by the vigor of the demand. If the land whose rent had been appropriated remained in the hands of the holder who had suffered the loss, he could not recoup his damages by raising the value of the land or by raising the price of its produce. The land remains an unchangeable amount, and the demand for it would be decreased rather than increased by the disadvantageous terms under which it was held. Moreover, it is the purpose of the state to do its work thoroughly, and any rise or fall in the land would simply vary the single tax. It is the purpose of the state to lay the land open to all, and to this end to strip the holder of any peculiar advantage. The price of produce could not be advanced, for that depends on a supply and demand settled independently of rent. Lands not bearing rent define the supply, and these would remain unaffected by a single tax. As rent arises simply from a natural advantage, the appropriation of rent is the appropriation of that advantage, and the attendant loss cannot be escaped. The case is much the same in building-

lots. These stand for a value whose terms are comparatively unchangeable, and which admits of complete appropriation if the state so wills. Whatever portion the public may take to itself, the remainder is not altered thereby. The circumstances affecting the value of the lands remain the same. The question is simply one of ownership.

The community, by taking to itself all lands, loses thereby a very general and very important incentive to industry. The ownership of land appeals strongly to many, and calls forth strenuous productive effort.

We are to remember also that it was economic impulses, progressive, social movements, that, in the outset, broke up a common ownership of land. Any injustice that accompanied the measure was incidental rather than fundamental. To restore this relation, or one approximating it, would be a retreat in the productive power of the community, with no redress of the earlier wrongs. Progressive impulses would either a second time break up this unfavorable form of ownership, or be constantly embarrassed by it. A single tax is thoroughly retrogressive and unhistoric. The triune life of industry is made up of agriculture, manufacture, and commerce. The decisive development of any one of these tends powerfully to separate them all, and to subject each of them to its own peculiar impulses. Safe and wise adjustments in society lie before us rather than behind us. They are found in retaining what has been done and in carrying it forward one stage farther.

In our effort to escape existing difficulties and present injustice, we should give occasion, by a single tax, to greater difficulties and a wholly new crop of injustices.

This spirit of confiscation is, to begin with, a very arbitrary one, and would be met at once with the delicate task of determining what is just and unjust in a thousand obscure cases. Any failure here would be softened by none of the ameliorations of custom, but stand out as a fresh and aggravated wrong. In shifting our harness to relieve existing pressure, we should pass through a stage of sharp friction, and at length reach a callous state no better than the one we had left behind us. Changing the figure, we should be as one who ploughs a refractory field whose stones had been carefully picked up. We should be compelled to repeat the labor with results of the old order.

Our exaction would impose a severe burden on agriculture, and through it on all branches of industry. We should have established rent as the universal tenure, of all tenures the one least favorable to enterprise and most difficult of adjustment. The mere fact that the state was the common landlord would not remove these embarrassments; it might readily enhance them. One cannot adjust his relations to the state as readily as he can to persons. We should be compelled to determine in each instance the ownership of betterments, the partition of the profits incident to them, and the motives by which they are to be secured. Complete individual ownership settles these difficult considerations in the most direct and satisfactory way.

When our scheme had gone into operation, we should have given sudden relief from taxation to manufacture and commerce. These, for the moment, would feel the elation. But the entire burden being passed over to land, agriculture would be correspondingly depressed. The

purchasing power of a large portion of the community would be greatly reduced, to the damage of the remaining portion. There would be an effort to escape from this unfortunate branch of labor. The injury, at first special, would quickly extend through the community. When, after a series of years, all should have adjusted themselves to the new conditions, few would be aware of any relief. The results of the injury would remain, while its immediate advantages would have disappeared. An unprofitable struggle would have been occasioned to secure a new equilibrium in no way superior to the old one.

This statement is not inconsistent with the previous one, that a single tax could not be evaded by those on whom it should fall. It is simply saying that a severe injury inflicted on a portion of a community is sure to extend to all. Agriculture would level itself up again with other callings by slowly levelling down commerce and manufacture. The losses would be distributed through all three departments by the efforts of the agriculturists to escape their own hard terms. A proximate level would be reached, but one lower than that on which we now stand.

A single tax, as a reform measure, is revolutionary. There are no intermediate stages by which the community would grow into the change, and the concussion be reduced. It is strengthened, as a theory, by an obscure restless feeling which leads many to exaggerate existing evils, and grasp at any proffered relief with no careful tracing of results. It is not unlike that blind hankering after an inflated currency, giving new and improved conditions of prosperity. No one who thoroughly

understands how organic a thing society is, how few and slight are the changes profitable to it, will be likely to advocate any of these heroic remedies which bear those sure marks of quackery — precipitancy and certainty.

We also do well to remember that we have no experience of extended and prosperous agriculture along this line of public control. The *Mir*, or Parish Council in Russia, directs the distribution of arable land with most unfavorable results. *Nijni* shows signs of permanent exhaustion, and recent severe famines are attributed in part to the substitution of this collective forecast for individual thrift. The general intelligence is a reservoir that can by no possibility rise higher than the fountains of personal enterprise, and will in most cases be found very sensibly lower than these sources of supply.

The discussion to which a single tax has given rise may very well subserve the purpose of reimpresing upon us the evils which have grown up with the ownership of land, and predispose us to their correction. Land has been made especially difficult of transfer, and by law and by custom has been retained in the hands of a few as a class distinction. No effort should be spared to make it thoroughly fluent. The economic reasons for accepting ownership in land are completely operative only in connection with ready exchange. Titles tested and guaranteed under the Australian method greatly facilitate transfer.

There is no good reason why the control of land should be extended over a long period. Two generations since, the evidences of title in England might

reach back a half dozen centuries, and the owner of land still controls, directly or indirectly, the transfer of lands many years after his death. It is sufficient that a man should enjoy his own life; he should withdraw his too eager hand from the activities of those who come after him. The tendency which civil law is showing to restrict the entail of land and long rentals may well pass to its logical conclusion. The perpetuity in ownership of land grew naturally with the perpetuity of the family. The economic forces have penetrated these double organic defences but slowly. Among the Romans, adoption into the family was an early means of transferring property. Later the right to will it gained ground, and received in English law most unreasonable extension. A power so completely conferred by law may well be made entirely amenable to the public welfare. The old agglutinative tendency of land in the community, in the family, in persons, should be completely broken up. This is the present direction of social and economic forces, and its entire accomplishment would remove a heavy remainder of evils.

It would not be an unreasonable measure, would lie in the line of a portion of our policy in the disposal of the public lands, and would tend to make land more perfectly responsive under social forces, to restrict the amount to be held by any one person or corporation. While the United States has, for the most part, held the public domain subject to the interests of actual settlers, it has traversed this commendable policy by large grants to railroads. Some States have forbidden the holding of land by aliens.

A thorough reconsideration and reconstruction of

taxes are called for as a means of escaping present restlessness under them, and of reducing the disposition to transfer them, irrespective of justice, to some new point. The single-tax derives much of its force from the present bad forms of taxation. We are as one who drives a train of well-broken and of refractory mules. The burdens are placed, not where they belong, but on the backs that bear them most submissively. Real estate is least able to evade taxes, and so it becomes the catch-all of the indolent law-giver. The single-tax has the merit and demerit of reducing this injustice to a system.

CHAPTER IV.

MANUFACTURE

§ 1. WHILE the three branches of production stand in reciprocal dependence on one another, changes in manufacture more frequently initiate progress, and are the occasion of development in agriculture and commerce. Commerce may be quickened by discovery, as was the early commerce of England and Holland, but its permanent support is found in the extent and variety of manufactures.

Since the middle of the eighteenth century, there has been in England and in the more advanced states of Europe a remarkable growth of productive power, with a corresponding change of society. This fact is a most interesting phenomenon, and one particularly worthy of study as a guide in the future. We live in comparatively a new world, on different terms with our fellows, and have occasion for methods and principles correspondingly distinct.

The ground of this transformation has been innumerable discoveries and inventions, redirecting and greatly increasing productive power. While invention has reduced the labor involved in any given product, it has constantly increased the value of the plant. Machinery has steadily grown in complexity and cost, has demanded a corresponding increase of capital, and has given it a proportionate importance in the productive

process. The relation of the two terms, labor and capital, has been widely altered in reference to each other. Many incidental advantages incident to magnitude in production have wrought in the same direction. Division of labor is more complete. Material is used with greater economy. Remainders, which in small amounts would be simply waste, are made profitable. Oversight and management are superior in kind and greatly extended. Purchases and sales are more advantageously made. Lighter rates aggregate into larger profits. These all unite to secure the concentration of production in single places and large establishments.

Perhaps no one fact has worked more powerfully in this direction than the increasing reliance on steam as a motor. Steam, indifferent to locality, lends itself to production in any desired amount, and the more readily in large amounts. The present extension in the use of electricity as a motor will favor a subdivision of force, and its adaptation to smaller, more isolated forms of production.

As a consequence of these changes, manufacture has lost almost wholly its early domestic character, and proceeds only at great centres of labor. Even the scattered production that remains has developed special evils, and is looked on with disfavor. The lowest wages and the worst hygienic conditions are usually found in homes and obscure shops, where, as in the manufacture of ready-made clothing, dispersion is still possible. Labor is now rendered under more favorable conditions by complying with the new method than by resisting it. The absolute character of a social change herein discloses itself. The immediate social results

have been hard and exacting conditions of service in one class, and more power in another class.

§ 2. Hardships, some of them transient, some of them comparatively permanent, have fallen heavily on the working classes. Many workmen have been thrown out of employment by the introduction of machinery, have lost the skill and wont of familiar ways, and have been exposed to severe suffering before the new resources were fully open, and the fresh adaptations completely made. Hence workmen, as in England, have looked with much distrust and dislike on the progress of invention, and often destroyed the new machinery.¹ Though these changes have been as marked in later as in earlier periods, workmen have become more flexible. The general demand for labor has increased, and the sufferings attendant on a transfer of labor have been less conspicuous. The working of steel bars directly from pig-iron by the Bessemer process threw out of employment 39,000 workmen.²

There has been, under the new system, less separation of different forms of manufacture, less seclusion of workmen, less *esprit de corps*, fewer personal ties. The guild, with its social relations, was broken up. The kindly dependence of master and apprentice disappeared, the secrets and customs of a trade were lost. These combined processes of production passed over the workmen like a steam roller, and crushed them all down into one dusty highway of traffic. Wage-earners, gathered in large numbers, lost individuality; they became "the hands." This tendency completes itself

¹ "History of the Eighteenth Century in England," vol. vi. p. 220.

² "Subjects of Social Welfare," Sir Lyon Playfair, p. 140.

when, as in some forms of railroad service, the workman is known by the number of his engine, or of the car to which he is attached. As Tom was a sufficient designation of a field-hand of old, No. 65 answers for the car-driver of to-day.

A great reduction of skill in workmen as a whole was involved in this change. The increasing subdivision of labor makes the demands on each workman comparatively slight. Whereas the old-fashioned shoemaker made the entire shoe or boot, and that under various forms, the workman in a shoe-factory may perform only one of sixty-four processes, into which the making of a shoe may have been divided.¹ The intelligence of a few, who watch over the machinery and direct the work, may be marked; but this intelligence is vicarious, and is at the expense of the intelligence of the mass of the workmen.

There comes, with this reduced demand on the workmen, a reduced hold of the workmen on the community, and an inferior social position. Workmen fall into masses, and drift from place to place. An inferior class displaces a superior one. This result has been especially conspicuous in New England. The conditions have almost wholly disappeared which called out, among the operatives of Lowell, *The Lowell Offering*, with Lucy Larcom as a contributor. A factory village has become the receptacle of the cheaper forms of foreign labor.

Corporate power has grown apace under this transition; small and intermediate producers have been wiped out. The distinction between the employer and em-

¹ "Recent Economic Changes," David A. Wells, p. 94.

ployee has become greater, and far more difficult to overcome. Division of labor, greatly on the increase, has reduced the importance of any one man, and has given rise to the tendency to treat laborers collectively as a class. Personal knowledge, personal interest, personal responsibility, become, on both sides, more and more impossible. In the presence of expensive machinery, whose power of performance is prodigious, and whose gains and losses are correspondingly great, men, insignificant individually and collectively abundant, are thought lightly of, and become mere adjuncts of the more weighty consideration.

These accumulations of power tend also to speculative methods. Business necessarily involves large interests and incurs great risks. A free, bold handling of production occasionally gives startling returns. Men become sanguine, full of the sense of power, and anxious to reach immediate results. They are made dizzy by the whirl of business. But the more irresistible and venturesome is the general movement, the more thoughtless of others and the more cruel do those become who direct it. They add to necessary risks needless risks, and accept speculation as a part of their calling. They have no power to care for others, and often too little power to care for themselves. The workman, like the common soldier, must take his chances and bear his wounds with patience.

In connection with this great diversity of power, its growth here and loss there, a greedy temper, in the earlier portion of the transition, took possession of manufacturers. Labor extended to fourteen and even to sixteen hours, and was performed by women and chil-

dren wholly unfit for it. The position of many became utterly abject, with no power of recovery. Parish children were let out in lots, the capable and the incapable.¹ Mere infants came under this universal exaction. Remains of this oppression are still found in remote places and backward countries, as in Hungary. The sweating system is its expiring progeny. Machinery, incapable of fatigue, and enhancing its profits in its last hours of service, stole in on the lives of men with fearful tyranny, and with its iron throb took the place of human hearts. Nor were men quick to learn that the exhaustion of the laborer went far to counterbalance the inexhaustible strength of machinery.

§ 3. A complex and rapid social change, like the one under consideration, while it may result in some great evils by breaking down previous protective customs, must itself, being prompted by adequate impulses, contain at least the possibility of new social growth. Though the eagerness of the few, getting into the foreground, may confuse the vision of men and obscure the sense of right, the changes in the methods of production still remain progressive ones, and are only waiting for the assertion of new moral mastery on the part of men to pour wealth into the general lap. These improvements come, a portion of them inevitably, and a greater portion by the device of men.

Labor was rapidly absorbed in the new occupations, with a steady increase of wages. A marked example of an enlarged demand accompanied the introduction of knitting-machines. The knitting of stockings was a

¹ "The History of the Eighteenth Century in England," vol. vi. p. 225.

widely diffused industry, which adapted itself perfectly to every one's leisure. The new machines seemed about to rob very many of occupation, and to give employment to a few only. The actual result was much more favorable. These machines soon occasioned a greatly extended demand for labor, reduced the resources of few, and gave a cheaper product to all.¹ Machine-countries, as England and the United States, are countries of many and efficient workmen, of high wages, and an improved standard of living.

The introduction of machinery led at once to greatly increased production and correspondingly low prices. Workmen have entered fully into this common advantage. Wages have been raised even more by their increased purchasing power than by a nominal advance. In connection with improved physical conditions, there have come improved social ones. If civilization, the multiplication of the appliances of life, is at all the good we take it to be, then there has been very distinct progress in these years of accelerated production. The restlessness of workmen and their eagerness for still further gains are themselves evidence of this awakened life.

There has also been a rapid increase of population. The population of England and Wales in 1750 was some 6,000,000; in 1800, 9,000,000; and in 1890, 26,000,000. This increase is both an effect and a cause in connection with physical development. The increase of production has led to a growth of population, and a growth of population has stimulated production, kept full the channels of labor, and made new enterprises possible. If the

¹ "Recent Economic Changes," p. 367.

general judgment is right, that life is worth living, and the higher far more than the lower forms, then the increase of numbers, both sharing and extending civilization, is a real gain. In 1785 there were only 40,000 persons occupied in England in the manufacture of cotton goods. In 1831 the number had grown to 833,000. Nor had this growth been at the expense of any other industry. In 1750 the export of cotton goods was £45,000; in 1833, £18,500,000.¹ Two and one-half millions are now engaged in England in this industry.²

In Brussels, in 1846, few workmen earned more than 2 fr., 50 c.; in 1891 few earned less than 4 fr., 50 c. If one hundred be taken as the purchasing power of wages in 1853, in Brussels that power has become, in 1891, 142.56.³

With these material gains, there have come, with much contention and delay, corresponding social ones. The evils which were at first developed with startling rapidity under the increase of production have been attacked in order, and greatly reduced. Not only have women and children been taken under the protection of law, its oversight has been extended to the general conditions of labor. More favorable terms of comfort, health, and safety are attainable in connection with the concentration of labor than are likely to be present while it remains scattered in many and obscure places. Unnecessary dangers and unwholesome surroundings can be greatly reduced in large establishments. The possibil-

¹ "History of the Eighteenth Century in England," vol. vi. p. 207-210.

² "Recent Economic Changes," p. 368.

³ *The Nation*, Dec. 22, 1892.

ity of the better method and the motive to it grow with the growth of numbers. Though negligence in the enforcement of law and resistance to it may remain, they are more easily overcome in large and relatively public factories than in smaller ones. The accessories of social comfort, libraries, reading-rooms, clubs, are more readily supplied.

§ 4. The one movement on which all these alleviations have hinged, more than on any other, has been a reduction in the hours of labor. The number has fallen in England to nine hours, and in America to ten hours. On the Continent it remains somewhat higher, and in Russia reaches thirteen hours. There is not absolute uniformity in any country in the hours of work, and these figures express a rough average. There is a very positive push in England to secure a day of eight hours, and a like, though a less persistent effort, in this country. The gains of reduced hours accrue with more real advantage to workmen, with less contention, and with less disturbance of industry, if the movement is irregular, tentative, and pushed in different branches of business as circumstances favor it, than if it is made at once all along the line. Reduced hours constitute a real social victory for workmen only as they are secured without loss of wages, and are accompanied by a disposition to profit by the leisure granted. The economic and the moral considerations must sustain each other, or the gains are very problematical.

The eight-hour day, ordered by Congress in 1868, was so much to one side of the general custom and temper of the community, that the law came to be disregarded, and gave rise to later claims for overwork. Recent

congresses of trade-unions in England have shown a steady growth of this demand.

The question of the proper number of hours in a day's labor is both an economic and a social one. The economic inquiry is directed to the number of hours which, in the long run, will yield the largest returns. The answer will rest on the amount of labor which is consistent with health, with the best execution, with the most economical production, and the most telling incentives to effort — average persons and long periods being contemplated. These considerations will flow into each other. Even under this narrow form the question cannot be answered without some reference to social relations. Cheerful and enjoyable social surroundings nourish physical strength and increase the incentives to effort. Men are slow to learn that additional time does not necessarily give additional production. The arithmetical truth that twelve is more than ten rules the mind. It is probable that, in most cases, ten hours somewhat exceed the point of highest productive power. Mr. Rogers says, "I am sure that an eight-hour is worth more to the employer than a ten-hour day."¹ Recent experiments and recent inquiries lead quite positively to a similar conclusion.²

The social points involved in an eight-hour day are the use workmen are prepared to make of their leisure, and a possible increase in the demand for labor absorbing those who are now only partially occupied. It may be said that in meeting the claims of workmen for reduced hours, the community has nothing to do with the

¹ "Economic Interpretation of History," pp. 353, 334, 306.

² "Eight Hours for Work," John Rae.

uses to which they are likely to put their liberty, that the liberty itself will beget superior uses. This assertion, though not wholly without force, overlooks the social harmony which must make our action fruitful, and the fact that a concession of this kind should spring from good-will and beget good-will. If grave social evils are to arise from it, it ought for this reason to be resisted. The intelligence and good character of workmen prepare them to push these claims, and profit by them; they will also go very far to make them successful when secured. A negligent and careless workman must atone for the remissness of his labor by longer hours.

Undoubtedly the reduction of the hours of labor will act favorably on the partially employed, but indirectly rather than directly, remotely rather than immediately. If it should prove that the maximum of production is consistent with eight hours' labor, then an eight-hour day would give rise to no additional demand for work. Its effect — an effect of more, not less, moment than the expectation of immediate employment — would be the secondary but permanent one of general prosperity. At the present time the most efficient workmen receive the highest wages with the shortest hours. English and American workmen render more efficient service than those of any other nation. Ten men in Germany, in a blast furnace, are no more than the equivalent of five men in England. Wages are eighty-four per cent higher in England than on the Continent, but the general cost of production is thirty per cent less.¹ "Pauper labor," and labor subjected to long hours, are least able

¹ "Subjects of Social Welfare," Sir Lyon Playfair, 144-160.

to compete with labor well paid and comparatively independent.

This increased prosperity of workmen necessarily gives rise to increased consumption, and consumption more consistent with the general welfare. This consumption means an enlarged demand for products, and this in turn widens the field of labor. A more fortunate set of adjustments will come to the community as a whole, and these will open more paths of improvement.

This movement toward a working-day of eight hours is so thoroughly organic, involves, and in turn affects, so many interests, that it should be reached slowly, with a careful adaptation to circumstances, and with a full opportunity for the sustaining reactions. Different employments are widely different in the strain they put upon workmen, and also in the strain to which the occupation itself is subjected by competition. The presence of costly machinery modifies the problem. When the rooms of labor are heated and lighted, and the propelling power can perform more work with slight additional expenditure, the last hours of the day are, as far as mechanical conditions are concerned, the most economical, and materially affect the balance of profits. These considerations may make the acceptance of eight hours peculiarly difficult at some points. In other cases a relay of hands, with eight hours for each, may fall in with the best production.

Even in the use of machinery, where the amount of the product seems to depend so directly on mechanical conditions, and so little on the workman, the results of shorter hours have still been favorable. The personal element has asserted itself.

Farm-labor offers an example of such variable, and at the same time favorable, conditions of labor as to render a uniform eight-hour day impossible and unnecessary. The conditions of farm-work are so wholesome that the laborer readily bears more hours; and the claims of farm-work are often such that more than eight hours must be granted. This reform, like most reforms, suffers from the artificial pressure under which it is secured. An unduly conservative temper does not check the radical temper, but suffices to make it destructive.

An eight-hour day contemplates no reduction of wages and no overwork. If wages are reduced, the condition of the workman will ordinarily become less, not more, bearable. Overwork virtually restores the method which has been rejected. A short day readily unites itself to the ownership of a home and a lot, which can give pleasant and profitable occupation.

Labor in Germany has greatly encroached on the rest of Sunday, as has also the railroad service in this country and other countries. Entirely aside from any spiritual purposes, Sunday constitutes a most desirable and defensible barrier for the average man against the encroachments of business. It becomes, therefore, when the customs which protect Sunday are being broken down, a serious question what the ultimate effect will be on the workman's mastery of his life. In public concessions and amusements this is a vital point. A portion of the community are liable by relaxation in customs to come under claims even more exacting than those of ordinary labor. The last century, in its economic history, enforces the fact that any marked

changes in society partially destroy old safeguards, and so demand the construction of new ones. Our readjustments should be wide and discriminating. As a matter of fact, the evils developed by progress are rarely corrected till they in turn become unbearable.

CHAPTER V.

COMMERCE.

§ 1. **THOUGH** commerce can be fed only by production, it is often, in the first instance, the provoking cause of production, and always reacts strongly upon it. The modern period was opened by the growth of commerce incident to the discoveries of the fifteenth and sixteenth centuries. The chief recent change in commerce, which has made it a new term in a new era, has been the increased rapidity of transfer. The wheels of commerce and the wheels of manufacture correspond in the startling speed of their movement. The most significant sensuous, as well as the most significant spiritual, fact in our period is celerity of transfer. The physical and intellectual worlds are equally mobile. Commodities, events, thoughts, have taken on an activity to which the past offers no analogy. The centre of the revolution is in the material world. Superior events catch their impulse from inferior ones. Commercial intercourse constitutes the swift-flowing central current of the stream. The telegraph and the telephone have reduced at once by one-half the time previously required for the transfer of merchandise. Three-quarters of the remaining half have been removed by steamships and railways. Nor is this the entire gain. The possibility of doing business eight times more rapidly than of old acts at once on the mind, and impels all to push this celerity to the utmost.

The driver of oxen shares the sluggishness of his team ; the driver of fast horses is anxious each instant to test their speed. Business passes into the hands of the most rapid and prompt. These gather at the glowing centres, surround themselves with every secondary instrument of despatch, and momentarily stimulate each other by some new achievement. The daily press, itself an embodiment of speed, fills the air with the hum of events, and leaves no rest to eager minds. Large spaces and long periods lose their relative force in the presence of this adventuresome and devouring commerce.

The part which railways have come to play in intercourse is somewhat more obvious than the service rendered by steamships, but, taking the world as a whole, is secondary and less significant. Canals, like the Suez, Sault Ste. Marie, Welland, Baltic, have greatly extended and hastened commerce. Sailing-vessels consumed from six to eight months in reaching India by the Cape. Steamers now make the voyage in a single month. The tonnage passing the Sault in 1890 exceeded by one-half million tons that traversing the Suez Canal. The traffic is on the rapid increase. The number of vessels that clear at Chicago each year exceeds by seven thousand the number that clears at New York.¹ The tonnage which passes Detroit is greater than that which enters Liverpool. At the close of 1889 the yearly tonnage of the Mississippi Valley was 3,393,380 ; of the Atlantic seaboard, 2,794,440 ; of the Great Lakes, 926,355.

In the past forty years two changes have taken place in ocean steamers which have revolutionized commerce.

¹ W. P. Frye, *Forum*, vol. xi. 291.

The first of these was the substitution of iron for wood in construction. In connection with this change, there came a remarkable reduction of the foreign trade of the United States contrasted with that of England. In 1856 the United States carried 75.2 per cent of all goods received; in 1888, 13.48 per cent. From 1870 to 1882 England built 17 ships to our one for foreign trade. In tonnage the ratio was 21 to one.¹ England owns 70 per cent of the ocean steam tonnage of the world. This mastery was achieved, in large part, by the substitution of iron vessels for wooden ones. A slight advantage has become in commerce, as in manufacture, a commanding superiority. Every tendency is intense.

A second gain has been made in the economy of fuel. This economy does not merely reduce the cost of freights, it adds greatly to the space in the steamship which can be devoted to them. Freight that not long since required 200 tons of coal for carriage across the Atlantic can now be transferred with 35 tons. Steamers of 3,000 tons burden can devote 2,200 tons to freight. There has also been a marked reduction in the cost of vessels. A ship that in 1883 cost \$120,000 can now be built for \$70,000.²

The freight on a bushel of wheat from New York to Liverpool has been reduced, in a brief period, from 6 cents to 2½ cents. The ratio of expense of water-freights to land-freights is about one to five. The changes, both by land and by sea, are so rapid as in given cases to materially modify this ratio. Steamships are so valuable and their cargoes so large that every effort is

¹ David A. Wells, *Forum*, vol. xiv. 697.

² "Subjects of Social Welfare," p. 133.

made to hasten the unloading and loading of them. Once in port the work proceeds by day and by night with full appliances.

There has also been a great increase in the speed of ocean steamers. It has now reached 25 miles an hour, with the expectation of still further gain. This speed has come with enlargement of dimensions, with more security, and more comfort. Going down to the sea has lost most of its danger and all of its hardship.

§ 2. This acceleration of manufacture and commerce during the past century has been productive of obvious and far-reaching social changes. One of the most conspicuous and important of these, and one still in full force, has been the growth of cities. In 1800 there were in the United States 6 cities with a population of 8,000 or over; in 1880 there were 286. While the entire population increased 12 per cent, the population in cities increased 85 per cent. In 1800 the per cent in cities was 3.9; in 1880 it was 22.5.¹ In the period between 1880 and 1890, 46 cities in the United States passed the limit of 25,000 inhabitants, three gaining in the ten years each more than 33,000; Seattle gained 37,304. Six cities in the same decade have passed the limit of 200,000, Buffalo making a gain of 100,530; three cities the limit of 400,000, Baltimore with an increase of 102,126. Two cities, Chicago and Philadelphia, have come to contain more than a million, Chicago gaining 596,665.

In England and Wales, cities increased five-fold in the same 80 years. In 1800 Boston, New York, Philadelphia, and Baltimore contained collectively 180,000.

¹ A. B. Hart, *Quarterly Journal of Economics*, vol. iv.

No other city had more than 10,000 inhabitants.¹ London has a population of nearly six millions, exceeding that of Ireland or Sweden or Portugal or Holland or Belgium or Canada.

This growth of cities has been due to the concentration which accompanies the development of manufacture and commerce, and which has called out a strong gregarious tendency. Poverty fails to drive out even the most needy from the haunts of men. They find a compensation for all evils in the close contact of cities. Not only does improved manufacture issue in large plants, these plants cluster about the same centre. The facilities of production, of purchase and sale, are thus greatly increased. A slight advantage in position goes far to determine the results of competition. A distillery in Peoria represents a very considerable per cent of advantage in the manufacture of spirits.

Manufacture and commerce play into each other, and tend on both sides to build up a ruling city. Centres of distribution adjust the channels of communication to themselves over a wide area, and render change more and more difficult. The influences may be obvious or obscure which determine, in the first instance, the growth of a city; but that growth soon comes to provide for itself. The larger whirlpool devours the smaller ones.

Railways are now a leading consideration in this growth, and have modified the force of natural advantages. A concentration of railways has the building power of waterways. Railways greatly extend the limits of a city. Communication within the city and with

¹ "History of the United States," Henry Adams, vol. i. p. 59.

its immediate and remote suburbs enable it to draw the active agents of its daily traffic from a circle of 50 or 100 miles radius. The railways nourish the cities and give them the freshest gifts of the country in more profusion and variety than belong to any one portion of the country.

With this growth of the circumference of the city, there comes corresponding strength at its centre. Buildings of a dozen stories are erected, and their floors interlaced with elevators like vertical railroads, a single building accommodating 3,000 and 4,000 tenants, and doing the business which formerly fell to entire blocks.

§ 3. The social results which attend on this concentration of population are of a very mingled character. The possibilities of good and evil are both much increased, and call for a corresponding strength in the moral organic forces. Social impulses are greatly intensified, are more disruptive between classes, and call for special influences to maintain unity and secure beneficent action. Intelligence is much quickened in some directions by constant contact, and by an unwearied demand for effort. The city has an attractive power over all bold and active minds, as the centre of motion. Passions and appetites are correspondingly stimulated; and events, moving in mass, impart something of their own momentum to personal sentiments. An unharmonized social life, full of violent and discordant impulses, produces painful contrasts, and is liable, on slight occasion, to break forth in open violence.

The city, as contrasted with the country, offers conditions for more extended and personal organization, and demands it. As a matter of fact, however, in large

cities this organization is readily arrested at class lines, and the people are less knit to each other by legal, social, and moral ties than in the country. An opinion is very current that vices and vicious forms of traffic are to be treated with more leniency in the city than in the country ; that is, the urgency of the case is allowed to beget concession, not resistance.

Business is carried on by methods more unscrupulous, less regardful on the part of all of the interests of those associated with them in it. Speculative methods proceed with little attention to the grievous losses that fall on the unfortunate. Those who surround a gambling-table are not more indifferent to the fate of each other than are the members of a stock exchange. The fact is accepted as an inevitable one, that the gains of one are the losses of another. The moral sentiment is far more lax as to methods of business, and seems in many directions wholly repressed. Minor virtues, like promptness, a superficial veracity and reliability, take the place of the fundamental law of good-will. Far more liberty is granted a man in pursuing simply his own interests than is conceded in the country, where events move more slowly, affect the entire community, and come under general observation. Great fortunes are built up in ways, as in the handling of railroads, which to the bucolic mind seem robbery, pure and simple. While the magnitude of business renders it scrupulous in form, it leaves it unsound in spirit. Business men play a game, the supreme law of which is to come out ahead. The economic organization of a great city, which is its most conspicuous and powerful organization, is thus one which admits many destructive agents. There are far more

who are caught up and shortly thrown off in the revolution of business, like water on a grindstone, than is at all possible in the staid ways of the country. The successes of a few hide the extended disasters of many, and men rejoice in the motion.

The city is correspondingly inorganic socially. Local contact and contrasts do not, as in the country, bring new relations and impose special duties. Narrow affinities have full sway. Responsibilities are assumed or left as each one pleases. Social ties form here and there in the midst of other ties, and in complete disregard of them. The organic force is narrow and partial, does not operate broadly through the entire community, and leaves society but feebly bound together as one whole.

With this separation come refinement and luxury, on the one hand, which do not hold themselves amenable to poverty, and, on the other, extreme squalor and wretchedness, which stand on no terms with life and its comforts but those of hunger and hatred. A social philosophy is slowly shaped to extenuate, if not to justify, these divisions; a social philosophy which claims that social classes owe little or nothing to each other beyond that cheap expression of liberty, the absence of physical interference. In one tenement in New York City there are gathered 568 persons of 12 nationalities. These people are collected as fortuitously by social forces wholly beyond them as any refuse heap cast up on any shore or emptied out on any dust-field.

There have been quarters in London where crime has had undisputed sway. A limited region had less organization than a savage tribe. There are now in London some 40,000 criminals, who are ready for every

chance of plunder and violence. Many cities have certain sections in which little attention is paid to any ordinary range of crime.

The physical conditions in our cities are often such as to render social virtue impossible. Two or more families are crowded into a single room. A quarter of the families in Glasgow are confined to one apartment.¹ All ties, even the most tenacious ones of the household, thus decay utterly, or are subjected to frightful abuse. The moral and religious life of the community, as one whole, loses soundness under these conditions. Under the proverb, "Like people, like priest," religion becomes narrow and conventional in its methods, and hardly ventures to propose to itself its true problem. It accepts a bad social state as the inevitable product of natural laws, and has not the courage to confront them with spiritual laws. Wealth is squandered on churches, and the air laden with the fragrance of Easter flowers, when the perfume floats away to mingle just at hand with the stenches of misery and vice.

As a consequence, large numbers of the very poor and still larger numbers of workmen are either not brought under religious influences, or, first breaking with their fellow-Christians, have broken with the faith they administer.²

Not long since statistics were gathered in Pittsburg and Allegheny, cities filled with a superior class of workmen, as to the religious affiliations of the people. There

¹ "Glasgow and its Municipal Industries," Wm. Smart, *Quarterly Journal of Economics*, vol. ix. p. 188.

² "Impotence of Churches in Manufacturing Towns," Rev. W. B. Hale, *Forum*, vol. xviii. p. 288.

were found to be some 300,000 workmen in these cities. There were 48,000 men connected with the Protestant churches, two-thirds of them business men, one-tenth of them workmen. The Protestant churches have identified themselves, not intentionally, but actually, with the existing phase of society and the well-to-do classes. Sharing the social outlook of the prosperous, they have lost, in a like degree, their hold upon the working-classes. This is more especially true in those communities in which workmen stand apart in their own organizations. The many qualifications to which so general a statement may justly be subjected do not materially alter its significance. So long as "conversion" is regarded as a comprehensive expression of religious life, these evils, which have sprung up under the very shadow of the churches, will thrive side by side with them. So deep is this feeling of antagonism that some of those engaged in the most self-denying and effective forms of social regeneration have felt it necessary to avoid familiar religious methods as simply awakening needless prejudice.¹

§ 4. What are the social results of this accumulation of dissolving households and unaffiliated men and women in our cities? One of the more unexpected results has been a constant increase of crime. Notwithstanding a steady growth of prosperity and a remarkable diffusion of education, there has been growing lawlessness. The extent of the evil is not well settled, but it certainly seems beyond denial. Chicago has been said to average a murder for every day in the year. This violence, so long as it is confined to certain localities and classes,

¹ "An Effort Toward Social Democracy, A New Impulse to an Old Gospel," Jane Addams, *Forum*, vol. xiv. pp. 226-343.

excites but little attention. Slight social pressure suffices to provoke riot, and a mob savagely hostile to the existing order is let loose on society.

There is in every large city a social residuum of which it seems impossible for the community to rid itself. It is made up of those physically weak, intellectually feeble, the unfortunate, and the vicious. These together constitute an unannealed and irreducible mass of misery. In the East End and Hocking, London, $1\frac{1}{4}$ in each hundred are vagabonds and thieves; 11 very poor, without regular employment; 23 poor; 56 comfortable; and 9 well-to-do.¹ That is to say, society makes no show of absorbing, using, and rewarding one-eighth of its citizens. On the contrary, it is constantly throwing them out of all organic relation to itself, and patiently waiting for their extermination. This eighth debauches the economic, the social, and the moral world, and does all that in it lies to spread contagion in the social body. From the highest to the lowest class, there is a constant percolation downward to this last stratum of darkness and death.

Another result, more especially in American cities, is a break-down in municipal government. Neglect, extravagance, corruption, are the rule in our large cities. Recently the Lexow Committee were uncovering the unspeakably corrupt rule associated with Tammany in New York, a rule made possible by the manner in which social vices are cherished.

In fifteen of the largest cities in the United States, between 1860-75, population increased $10\frac{1}{2}$, valuation 157, debt 271, taxation 363 per cent. A portion, yet a

¹ "Life and Labor of the People," Charles Booth, vol. i. p. 34.

comparatively small portion, of this increase can be satisfactorily referred to the unusual demands which attend on rapid growth. Between the years 1870-80 there was a reduction of debts in States and towns and an increase of a hundred per cent in cities. Berlin and New York are nearly of the same size. Berlin, with a budget of six millions, is well governed. New York, with a budget of thirty millions, suffers every form of bad government. In the November number of the *Forum* for 1892, Boston was compared with Birmingham in its government. The expenses of Boston, *per capita*, were \$16.77; of Birmingham, \$4.50. Yet the public service is less efficient in Boston than in Birmingham. In the August *Forum* of the same year, it is said, that of the seventy-five members of the Common Council in Boston, fifty-seven were not taxed on property. Municipal government in the United States is on the brink of total miscarriage. Most corrective efforts, so far, have been partially successful for brief periods only.

The life of cities with us and elsewhere is fed from the country. They devour constantly, as the nutriment of their activity, the sound bodies and healthy minds of the adjoining region. "Any city population left to itself would die out in four generations." These facts, taken collectively, suffice to show that the productive and social impulses of our time, while throwing our population more and more into large cities, and there subjecting it to terrific forces of trituration, fail to bring out of the pabulum of humanity any pure, tenacious, and acceptable social tissue. The issues upward in higher forms of life are strikingly inadequate, as contrasted with the waste downward in decay.

§ 5. What is the remedy of this great evil, which our civilization is developing as attendant on processes of growth? It is not single, but manifold; or if it be single, it must assume the form of more vital force, itself manifold in its sources and expenditures.

We shall place first among remedies a more general sense of the need of strictly organic forces, socially constructive relations, among men. This better temper should show itself both in doing more, and in doing it with more courage, in behalf of the common welfare. We are suffering from extreme individualism, which has had sway with us for a century. The let-alone policy is indolent, indifferent, helpless in the presence of great evils. It was this policy which culminated in the Civil War. Individualism, always an important notion, becomes, in the progress of civilization, more and more impossible as a single dominant idea. The centrifugal force has been greatly increased by a diffusion everywhere of an eager, money-making spirit, a spirit that brooks nothing which puts any restraint on its own activity. This impulse is intensely individual. There is occasion, in this fact, for a corresponding assertion of the social welfare, and of those organic forces which watch over it. Such an assertion, while it lies somewhat in the direction of Socialism, is after all the only corrective of Socialism. It is that concession which anticipates and prevents revolution. Organic forces must institute new claims and find new opportunities.

More simplicity and vigor in government, punishments more helpful and more resistful, greater confidence in sound men and sound law, industrial training, a watchful eye over public health and public morals, pro-

vision for the instruction and amusement of the masses, will all be aidful, if good-will and firm purpose enter into them. These public ministrations to the public need, in no way, override individual development; they may, in many ways, promote it. An unceasing and selfish scramble for wealth acts in many unwholesome ways on personal power. It calls out arrogance, exaction, boundless ambition here, and equally creates there dependence, servility, and helplessness. More, far more, lose self-reliance under discouragement than forfeit it by unreasonable aid. There is a midway point of opportunity at which the incentives to exertion are the greatest and the most universal. It belongs to the public to do all that it can do to maintain these conditions of prosperity for all citizens — to allow none to be overwhelmed by circumstances in connection with which they have had little responsibility, and whose correction is beyond their power. It is hardly possible for a community to provide too liberally or too generally the incentives of activity, provided that they are incentives. When men contemplate the training of their own children, the let-alone theory suffers many wise modifications.

History is not wanting in successful examples of rapid improvement in large cities under a vigorous policy. London in the last century was unsafe through its entire extent after nightfall. The "Mohocks" carried violence and debauch everywhere. Yet the evil, though great and general, was not beyond the power of good government, when government had the boldness to cope with it.¹ But recently the Council of London

¹ "History of England in the Eighteenth Century," vol. i. p. 482.

bought up and cleared off an area of fifteen acres, at an expense of £300,000, as the only speedy and effective means of removing a plague-spot.

There is an impression very current that certain vices are to be tolerated in cities; that it is impossible to restrain them, and so unwise to make the attempt. Exterior decency is all that is to be aimed at. Thus intemperance, gambling, and prostitution find positive entertainment, or convenient shelter, in many cities. This method can issue in nothing but an ever-renewed and hopelessly depressed class, a class that hates the social life which has used and abused it, and finally cast it out for ends of ease and indolence. Those whom society has destroyed will, opportunity favoring, destroy society. It matters little that this justifying argument is but half true; it will act, by virtue of its truth, on the perverse minds subject to it, as if it were completely true. There must be more organic force, more moral power, asserting themselves in a direct and effective form. Methods will not prosper without convictions, and convictions will not fructify without methods. We must have the courage to make many false starts, and the greater courage to correct them.

Much is made of the fact that unenforced laws are pernicious. The remedy is more frequently in enforcing, not in repealing, the law. Crimes with no laws against them are still worse than laws not carried out. The law stands for incipient effort, the absence of law for no effort.

CHAPTER VI

DISTRIBUTION.

§ 1. DISTRIBUTION — the division of products between those who take part in production — is the department of Economics which more than any other draws forth uneasy and critical discussion. The fundamental characteristic of distribution should be justice. It raises many questions between class and class, man and man; and these questions can be set at rest only by plain principles of justice. Whatever degree of good-will may accompany distribution, the way must be prepared for it by justice.

Rigid economists are ready to claim that this division is settled by natural laws, and that any interference with these laws works mischief, embarrasses their action, and hides from us the true remedy. If this were strictly true, then justice would play no part in distribution, any more than in action under the law of gravitation. If, on the other hand, there were no truth in this assertion of economists, if division were a purely voluntary matter, society could not proceed in that silent, instinctive way that now characterizes it. Men would not find the methods of distribution spontaneously developed, but would be compelled to secure them by anticipatory devices. The truth seems to be that, here as elsewhere, there are spontaneous tendencies which carry men forward in production and distribution, yet

tendencies which are modified, and ought to be modified, by wise counsel. The voluntary comes in to complete the involuntary and give it the sanction of reason. We cannot neglect the natural laws of distribution as laid down by economists. We cannot submit ourselves blindly to them as themselves sufficient to secure prosperity. Natural laws are a term in the problem, but still a term that leaves it open to the solution of wisdom and good-will. No law in Economics claims implicit obedience as itself taking completely in hand the public welfare. The public welfare remains an independent criterion by which we are to judge the operation of the law and guide ourselves in its use.

The idea of justice is the additional social idea which we bring to economic principles in assigning them limits and defining our own action under them. We handle a steam-engine under natural law, and yet the method of our handling is settled by the service we wish it to render.

Justice means equality of method and of opportunity between man and man, as controlled by the public welfare. It excludes the personal element, but accepts freely those circumstances which define the relations of events and persons to the public weal. Under justice all submit to the public welfare; and the public welfare, itself defined by the facts of the case, controls all indifferently. Parts, powers, persons, are rewarded in the way which is conducive to the largest production, to the most general and comprehensive prosperity. Nothing is absolute, nothing personal. All is relative to that welfare which is the first concernment of all. If any right, as the right of property, is accepted as

inviolable, it is so accepted as an indispensable condition of the public weal. The essential idea in justice is equality between persons before the law, inequalities being accepted solely in connection with the general welfare. Justice involves a constant struggle of an equalizing social sentiment with the inequalities of circumstances, the two harmonized in social construction. There can be no fixed form or principle either in equalities or inequalities. They are in constant interplay, and new phases of equilibrium arise from new conditions. This fact does not alter the definite and cardinal character of the notion of justice.

Economic laws enter into the social problem to give us the lay of the land, the primary terms with which we have to deal. Civic forces take part, if they take part wisely, in the solution of this problem by an effort steadily to hold in check the crowding tendencies of classes and persons, and to keep fresh and real for all the opportunities of life. Ethical laws are present as the final criteria of conduct, the circumstances under which it arises being defined by existing economic and civic conditions.

§ 2. There are four classes among which the returns of production are apportioned, — the holders of land, the holders of capital, those who direct labor, those who perform labor. The interests of these classes are essentially distinct, though they may be united in every variety of way in the same person. The return which the landlord receives is termed rent. This payment is vigorously attacked as radically wrong. It is also frequently apportioned under social conditions which so hamper and warp the economic forces as to leave them

but feebly operative. While rent, therefore, is that one of the four portions in distribution which is most definitely defined by economic theory, in practice it is much affected by unfavorable social relations, and serves in turn to aggravate the evils that arise between classes. This portion of distribution has been already discussed, and gave occasion to the conclusions that the state may well limit the amount of land to be held by any one person, that civil law should favor the ready transfer of real estate, that it should restrict the right of bequest, and should discourage the separation of ownership and use in land. Land, cultivated by the persons who own it, does not raise the question of the proper amount of rent. Economic forces settle this point in a silent way.

It will be observed that all these restrictions enter simply in limitation of concessions that have been made by civil law, and all tend to restore the conditions under which economic forces have freest play. They shut out civic law and let in natural law. It does not seem wise to go further than this, chiefly because exclusive ownership by the individual is an essential condition of enterprise, and also a first term in the full introduction of economic forces.

§ 3. The part which falls to capital, to wit, interest, is of all portions the most satisfactorily settled by supply and demand. Exorbitant rates arise chiefly from ignorance, from the timidity of capital, and from risks which can best be eliminated, and only be eliminated, by that firm application of economic law which tends to make every transaction calculable and secure. High interest is a penalty on bad method. Chief disturbing elements in the transfer of capital are distance in place

and distance in time. Honest methods reduce both. Remote sections can command capital under the condition of making the loan of it safe. Length of time more frequently favors than retards a loan, if the security is complete. The favorable terms which rule the apportionment to capital of its returns is seen in the fact that the rate of interest steadily decreases with prosperity, while the services rendered by capital as steadily increase. This fact shows two things which bear on the public welfare, that the incentives to accumulate capital, though nominally decreasing, are still sufficient to do their work; and that the community at large enters ever more freely into this multiplication of resources. No distribution could well be more beneficent than this.

§ 4. The division of returns which is intrinsically most difficult, and which is gaining increasing attention, is that between management and labor. An undivided remainder falls to these two, and is only too frequently quarrelled over. This division goes much further than any other division to determine the welfare of the masses of men—the state of society. Management often secures an unreasonable reward; and labor is, to that degree, scrimped in its returns and straitened in its incentives. This appearance of inequality, and the restlessness to which it gives rise, are the most striking social facts of our time.

This division at present takes place—far more than in the past—under the form of wages. The laborers, for the most part, receive a specified sum for their services; and the residuum, less or more, falls to the manager. Economics justifies this division as one so

involved in the nature of things that it cannot be materially altered ; as one at once rising to the surface under the spontaneous action of productive forces. It is affirmed that efforts to alter this form of distribution will, in the end, either leave less to be distributed, or will favor one class of workmen at the expense of another. This conclusion is reached by ascribing to economic forces an independence, a precision, which do not belong to them. They are operative in conjunction with many other social forces which come in to modify them. We are not dealing with a dividend, a divisor, a quotient of fixed values. These terms will every one of them relax or expand somewhat under purely social reasons. A satisfied and trustful temper, sober and prudent expenditure, a prosperity that is slowly creeping outward into the resources of all, and returning inward as an increasing demand for products, will very much alter the results under economic conditions that seem closely to resemble each other. The community may be moving by virtue of social forces through a given economic position upward, or it may be moving downward through a position closely allied to it in its material terms.

Here, again, the measures which have been most efficacious in increasing the portion of labor have lain in restoring power to economic forces. Men have refused to be satisfied with apparent, but delusive, competition, and have striven to secure an independent footing from which a real contest, a fair contest, could be carried on. The wabbling wheel is made once more firm on its axle, and so the laws of mechanics secure again a fortunate action. There is a real, not a fictitious, measurement of claims and powers instituted between labor and manage-

ment, and this better measurement is made the basis of division. A true application of economic law brings to the surface all the forces involved in any given productive problem, and compares them one with another. It does not allow the solution to go by default, on the ground of some unfortunate social customs or accepted principles for the moment operative. The labor-movement has not as a whole worked against, but has worked with, economic laws, assigning them conditions more favorable for the full recognition of all the productive energies contemplated by them. Bad social terms exist in suspension of economic forces, and easily divert them from their true lines of action. Sound reform is often nothing more than a restoration of natural laws by making more favorable the conditions of action which had become partial and superficial.

§ 5. Before we enter on a discussion of distribution as it takes effect between labor and management, it is well to see how much margin lies between the two, how far labor can, by any possibility, improve its condition by means of a corrected division of products. Is there any considerable advantage under contention?

The wealth in the United States was in 1889, £160 per capita; in France, £190; and in England, £270.¹ Certainly, so far as the general accumulation of the results of labor is concerned, it is possible for the workman, in common with others, to gain much more than now falls to him. This is the chief possibility of society, and his chief possibility. But the aggregate of wealth is not now so small as to make it impossible

¹ Mr. Giffen, *Spectator*, Dec. 21, 1889. The per capita valuation of the United States in 1890 was \$1,039.

that he should materially profit by a more favorable distribution.

A point of much interest in the discussion, and one in reference to which our knowledge is incomplete, is a definite expression of the annual productive power of any given community, and the percentage of these joint products which falls to labor. Edward Atkinson reaches the conclusion that ninety-five per cent of all products in the United States are consumed by workmen, that an equal division of the common gains would yield the individual fifty cents a day, and that if all incomes above a thousand dollars were equally divided among those less prosperous, the increase would be expressed by five cents a day—the price of a glass of beer. If these estimates are correct, or even proximately correct, the motives for strife between management and labor would almost wholly disappear. The contention would not be worth the candle.

This result was reached by Mr. Atkinson by an omission of services in his estimate of consumption. The consumption of services is almost wholly confined to the well-to-do. According to the estimate of Mr. Goschen, services exceed commodities in value.¹ If, then, services fall in consumption chiefly to the wealthy, they represent and make real the apparent advantage of management over labor. This advantage is neither slight in itself, nor incapable, by a better division, of altering somewhat materially the relation of classes to each other. F. B. Hawley, criticising the estimates of Mr. Atkinson, reaches the conclusion that the aggregate consumption of labor is not far from sixty per cent.²

¹ *Spectator*, April 16, 1892.

² *Forum*, vol. vii. p. 290.

This conclusion, if we choose to assign ten per cent to management as a necessary concession, leaves thirty per cent to be contended for in distribution. Gronlund, in his "Co-operative Commonwealth," refers fifty per cent in consumption to rent, interest, and profit.

If not much more than half of the joint product now falls to labor, the share of labor could be very sensibly increased by a division which may also be more just. But these gains, material as they might be in pacifying wage-earners, and in helping them over that line which divides comfort from discomfort,—supply of one's absolute necessities from a partial gratification of one's desires—would by no means express the chief advantage of equitable distribution. Any change in distribution would still leave much to be desired in the improvement of the condition of the average workman. Hopes would have been awakened rather than satisfied by it.

The chief gain would not so much lie in an immediate addition to the portion of labor, as in a better balance between the processes and incentives of production. Increased economy and increased expenditure would both become possible with the workman. The same motives which have resulted in the accumulated wealth of managers would begin to be operative over the much wider field of the laboring classes. An enlarged consumption on their part would stimulate production. Their contributions to capital, and an increase of capital due to the general prosperity, would nourish productive power. There would thus be a tendency to establish what has been found to be the most difficult of all adjustments, the ministration of one industrial movement to another, the sustentation of one class by another. Pro-

duction has constantly tended to excess of motive here and deficiency of motive there. The gain at one point has thus turned, after a little, into loss at other points. Supply and demand, on whose favorable relation all progress ultimately turns, have constantly fallen into awkward and disappointing relations. Supply has outstripped demand, and so production itself has issued in loss. The wider the field of consumption, and the more diversified the products, the less frequently would these maladjustments arise. Power would correspond to power, demand would confront demand, and production would no longer fail at one point simply because there was no corresponding production elsewhere. Wide consumption means wide production. We should rescue ourselves from that irrational dilemma in which hunger cannot secure food, and food sinks in price below profit in the presence of hunger; in which the ill-clothed cannot clothe themselves, and clothes cannot be gotten rid of in the depressed market; in which a thousand things need to be done, and a thousand are ready to do them, but the two cannot be gotten together on profitable terms of exchange.

This miscarriage is due chiefly to the fact that part does not respond to part by a wise distribution of prosperity in the field of production. Wants are not demand, and possessions are not supply, in the world's market. Just distribution, in the very degree in which it is liberal distribution, corrects this evil. Each player is ready for the game, for he has his own cards in hand. The machine runs smoothly, because each wheel revolves firmly around its own centre. In this better distribution of incentives, any slight reduction which may fall

to the manager is a gain rather than a loss. He suffers from over-excitement, over-intensity, and the presence of too many wasteful, speculative opportunities. A slower movement would be in every way a safer and better one.

§ 6. The one consideration which we recognize as defining justice, and constituting the final test of excellence in distribution, is the public welfare. Whatever inequalities it accepts, we accept; whatever it rejects, we reject. All motives ultimately unite in the public welfare. It, in the end, is comprehensive of individual welfare. Indeed, the two are only different statements of the same thing. Moreover, all economic law derives its force from being the law of communal, not of personal, production.

A forced equality in distribution — and absolute equality can only be reached by force — is one extreme; unregulated inequality, inequality left to the caprice of personal powers, is the other extreme. The two extremes beget each other. The intolerable evils on this side drive us over to those on the other side. Prosperous society is a movable equilibrium, secured by feeling both tendencies, and obeying neither.

Equal distribution is at once impossible and undesirable. It is impossible, as no force could secure it, or, if it were present, could retain it. It is undesirable, as subverting at once both the economic and the moral world by disuniting actions and motives, effects and causes, by disturbing the correlations which are building the Kingdom of Heaven, alike on the side of strength and of beauty. That distribution best promotes the public welfare which maintains unbroken over the

widest surface productive forces, and keeps these forces, without loss on either hand, in active interplay. The present method, with its great inequalities, does not do this. It cherishes here and there exorbitant power, but allows it to issue at once in the repression of incentives among workmen. Even this power tends to pass away, and to be replaced by the indolence of those who have been nourished in wealth. Productive strength is concentrated at a few points with a corresponding impoverishment at many points. The heat is not the moderate and evenly diffused heat of a healthy body, but the feverish heat of a disturbed organization.

The unfailing plea for this unrestrained method is individual liberty. But the type of liberty which results from it is indistinguishable from tyranny. Tyrants are always free. Freedom is a question of numbers. That society is free which gives the conditions of the most universal freedom — freedom not as an abstract principle, but as an actual possession. Freedom is diffused power.

Equality, on the other hand, which is the result of coercion, is instantly destructive of power, and of the liberty which lies in the use of power. The diligent are compelled to labor for the indolent, and the indolent indulge their indolence with impunity. Constraint is shifted from those who have the least power, and are least disposed to use it, to those who have the most power. There is a new bondage, the bondage of strength to weakness, virtue to vice.

There is certainly some attainable mean between these two extremes. We may increase, on this side, opportunity, and so the incentives to effort, and reduce, on that side, an excessive reward, thereby calling for more con-

tinuous industry. The existing method of distribution in leaving organic forces to themselves, the socialistic method, in neglecting primitive, constructive energies and taking society wholly into its own hand, sin equally and in opposite directions. Prosperity is the product, under all forms of experience, of primitive powers shaped toward the goal of perfection by clearly perceived principles, patiently applied. Both the social facts now offered by distribution, and the ruling ideas involved in it, call for an inquiry into it, looking toward correction and improvement.

§ 7. The division of products between the manager and the workman is now accomplished chiefly by the system of wages. This system has been the natural outcome of industrial forces, pursuing, in the most direct way, the path open to them. It has in itself some important advantages.

It is the most simple and purely commercial method. It leaves management most untrammelled. Enterprise pursues its own ends, in its own ways, and is asked no questions. It has also the important advantage that the manager, for the moment, assumes all the risks. The workman can rely on a regular payment of wages. The risk and the responsibility rest together with the manager. This apparent freedom of the workman is a somewhat delusive advantage. If any violent convulsion or severe loss comes to the business with which he is associated, he may be thrown out of employment. That which more than anything else sustains the wages-system is the direct, unimpeded movement it gives to management.

Its disadvantages are both economic and social. The

workman ceases more and more, under this system, to be an intelligent, interested, and responsible partaker in production. This attitude favors in him indolence, indifference, and improvidence. It very much limits that training in forecast and patience which well-ordered industry is fitted to give. In the lower ranks of labor, this indolence and indifference prevail to a degree which frequently compels the employer to work his men in gangs with an overseer. Thus the wages of one man, whose duty it is to keep at work a group of five, ten, twenty, are deducted from their wages.

The higher class of workmen are also deficient in that forecast and that willingness to bear present inconvenience for a future profit, which constitute the essential conditions of prosperity. All forms of insurance have been distasteful to them, nor have they inclined to that economy in present expenditure which is essential to a mastery of the industrial situation. The wages-system is not favorable to the best development of workmen. Only exceptional ones, who are forcing their way out of it, thrive under it.

It also brings into the foreground the opposition of interests between the employer and the employee. The two stand with each on conflicting terms. In one aspect their interests are concurrent; in another, they are opposed. As producers, it is for their common advantage that the production should be as great as possible. As parties who must ultimately divide these returns between them, they are in conflict. One may furnish a net; a half-dozen men may assist in its use. All wish the largest catch; but when they sit down to divide, all also wish the largest possible share. The

? < wages-system, by directing the attention at once and exclusively to wages, keeps the partition of products in the foreground, diverts the attention from the common interest, and makes the success of the undertaking comparatively immaterial to the workman. It is only in a more remote and obscure way, by permanence of occupation, by a possible advance of wages, that the workman is interested in the success of production. His habitual lack of forecast reduces this motive to its lowest terms. His present wages are fixed, his immediate position assured. Any dissatisfaction in these present terms overshadows remote possibilities. The occasions for wrangling and dissent between management and labor lie directly open to both. If faithful service results in a prosperity that warrants an increase of wages, that increase must still be secured by a fresh conflict.

1. { The social evils are akin to the commercial ones. The wages-system greatly deepens the division between classes. Other conditions, other thoughts, other possibilities, engage the workman and the manager. On this side, there are little stimulus and light hope; on that side, intense incentives and sanguine expectations. The lives of the two classes fall apart, first economically, then socially, and at length in civic force. Workmen are grouped as hands, an essential but troublesome factor in production, to be displaced and replaced as far as possible by the more obedient agent, machinery.

2. 5 { This feeling, which arises so inevitably and unconsciously, tends to make the employer thoughtless and cruel. He is often pressed by heavy risks, and must look to his own interests. Is not the workman pro-

vided for in his wages? Is not his relationship sufficiently defined by them and fully met in their prompt payment? Is not he the manager dealing with his own in himself shaping his business? Must not the employee as well as the employer accept the chances of business? His sympathies are thus restricted, and his vision narrowed, till management often becomes a reckless and heartless gambling, the stakes being the happiness of many households, whose welfare has no shadow of representation or of defence.

The social barriers which are thus slowly built up between the two parties to production — parties that ought rather to be drawn into an ever more vital affiliation — become high and strong beyond the power of most to clamber over them or make a breach in them. This divisive tendency is clearly seen in a simple and common incident. Pittsfield, a small New England city, had occasion to lay somewhat extended sewage drains. The contractor brought in Italians at low wages to do the work. The laboring men in the city might work with them at these reduced rates, or have no part in the enterprise. Thus, what should have been a source of profit and satisfaction to an entire community, closely united in common interests, became an occasion of alienation. The poor were virtually excluded from their own, at best humble, part in the communal life.

§ 8. Notwithstanding these evils of the wages-system, its convenience, simplicity, and liberty make it almost universal. Improvement has been sought by correction within the system itself; by a substitution of other systems; and by supplementary methods. All have wrought good results, but by far the most important gains have

1, 2. 3 4. 5. been made within the system itself. The labor-movement, in spite of its many evils, remains the most comprehensive and significant social ferment of our time. It stands for the combination of workmen — trades-unions — for the purpose of watching over and advancing their own interests. The earliest, most obvious, of these interests was the desire to secure a legal footing and to advance wages. These primary purposes being partially gained, and becoming less urgent, have given place to a large number of secondary purposes, as to whose value there can be no dispute. Among the permanent objects of these organizations are aid for the unemployed, assistance in securing labor, providing tools, relief for the sick and superannuated, help in any sudden emergency.

This movement has found its most extended, continuous, and fortunate development in England. The opening of the present century found workmen in England in a very depressed and socially abject condition. The burdens of the protracted war with France fell heavily on them. They were the mudsills on which the prosperity of other classes rested as a crushing load. The evils of the new forms of manufacture were at their height, and fell to the workmen as a portion of their share in the general gains. The choice lay between instant and urgent resistance and permanent debasement. Most fortunately the right choice was made. These combinations commenced of necessity in secret, and had at their disposal none but dark and violent methods. In 1824 they secured a legal recognition, and henceforward were carried on increasingly in the light, for comprehensive and worthy ends. This movement

among workmen has been an essential factor in those social reforms which have issued in a repeal of the corn-laws, and in extended suffrage.

These combinations in more recent years have reached unskilled labor, and this class of laborers are passing through the earlier experience which fell to skilled workmen. Trades-unions of long standing have become prudent, conservative. Anxious to retain what they have won, they patiently abide their time for farther gains. The trades-unions in England represent the most efficient forces which are now working, in a profound and irresistible way, for the common welfare. The form of existing institutions and the promise of the future are greatly altered by them.¹ Their power in calling out leaders is seen in such men as John Burns and Tom Mann. The wide sympathy they evoke is disclosed in such a fact as the contribution of \$180,000 by Australia to the strike of dock-hands. This enlarged power of workmen is, in the social body, like the recovery of a palsied limb. To fail to understand the true value of the labor-movement is to fail to see the forces that work for salvation when they come. Gains and losses, good and evil, are freely mingled here as elsewhere; but the uprising of workmen remains, none the less, a profoundly renovating fact.

§ 9. A growth in civil rights on the part of the mass of citizens has attended the labor-movement in England from the beginning until now. Workmen are no longer compelled or expected to act without counsel and without concert. They hold a yearly congress whose object it is to consult on current questions, to watch over legis-

¹ "English Social Movements," by Robert A. Woods.

lation, and to urge the measures they desire. The statute-book has thus been re-written in England with a wide and just regard to the interests of workmen; the fundamental principles of commercial law have taken on new renderings and accepted new assertions of right. The action of trades-unions in demanding better terms, or even a boycott to secure these terms, is no longer a conspiracy in restriction of trade. These methods have won civil acceptance, and gotten to themselves social and moral force in each instance according to their merit. They are seen to be great means of social renovation which anticipate and prevent revolution. That marvellous political history by which England has won her liberty is repeating itself in her social institutions. Combination is freely accepted; the principle is recognized — a principle fundamental in social renovation — that men may do collectively without wrong what they may do without wrong individually.

There has been a corresponding gain on the part of English workmen in political power. One act of enfranchisement has followed another, till the great body of laborers are in full possession, with their fellow citizens, of political power.

A similar movement in this country has been slower and less successful, because we started with more civil and political rights, and assumed the work of reconstruction to be already done; because the pressure of economic and social motives, impelling workmen to combination, has been much less severe; because the dominant money-making tendency in this country has stood by certain principles — like the freedom of contract — as undeniable social axioms; and because, in our large

cities, where labor-movements take their rise, trades-unions have embraced many nationalities, and have been handled with a far less cautious and conservative temper than in England. Native American enterprise and independence have frequently found themselves at war, in sentiment and method, with an alien and arrogant and ignorant temper.

In consequence of the diverse relations of different States, and an independent growth of law in each State, the modification of common law has proceeded slowly. Only a minority of the States have recognized the right of workmen to combine. "The United States and eleven States have sanctioned labor organizations."¹ The tenacity with which the courts of the United States adhere to common law, and the commercial character of the interests committed to their protection, have also restrained the action of trades-unions. The public welfare can least of all bear the freedom of labor in connection with railways. The laws, in some of the States, go so far as to discriminate against workmen. In Wisconsin one participating in a boycott may be punished by imprisonment for one year, or by a fine of \$500. An employer associated with black-listing may be punished by a penalty of one month's imprisonment, or a fine of \$50.

In France trades-unions were made legal in 1884, and in 1890 it was even proposed to forbid lock-outs.

Trades-unions have been successful in securing a rise of wages. This rise, with the increase in purchasing power in wages, has altered the condition of workmen very much for the better, and gives promise of perma-

¹ "Report of the Federal Labor Commission."

nent improvement. For the first time in the history of the world, there has been an indication that the world is made for man, and that in due time men, as one household, will take possession of it. The dawn of the day is distinctly seen, and that it shall not again be overcast is the primary charge of trades-unions. It is not necessary that we should attribute all of this immense gain to the concerted action of workmen. It is sufficient to make this labor-movement of the utmost importance, if it has been a leading cause, with other causes, rendering them fruitful in this grand and comprehensive result.

A most manifest gain of these organizations has been the spirit of counsel, sympathy, and assistance they have called out in their members. The ends pursued by them have been increasingly self-helpful, and less and less belligerent. The educating power of this action has been incalculable. Trades-unions have come to understand, at least partially, the stern limits set by the facts of the commercial world, and to shape their action to the possibilities of each particular case. This lesson of the very slow submission of natural laws to our manipulation — a lesson of first moment to us all in dealing with social problems — has not as yet been completely learned, nor learned without bitter experience; but, like so much knowledge which comes slowly, it is worth all the suffering undergone in securing it. Trades-unions have shown themselves more and more cautious with advancing strength. The growth of sympathy by means of counsel and the disposition to multiply the sources of secondary relief are seen in their expenditures.

The Amalgamated Society of Carpenters and Joiners,

with a membership in English-speaking lands of 22,935, and in the United States of 1,127, in the year 1885 expended on the objects mentioned the following sums:—

Unemployed	\$174,549.70
Seeking Situations	1,471.67
Tools	7,498.60
Sick	83,597.42
Accidents	8,750.00
Superannuated	12,909.70
Funerals	14,568.20
Strikes	23,127.60 ¹

There are both instruction and pathos in the large sum devoted to funerals. It indicates the narrowness of the means of living that could not bear any extra strain, and it reveals that sense of the decencies of life, and that tender household affection, which would not allow loved ones to lack any suitable expression of regard.

The most undeniable gain of all incident to these unions has been the awakening among workmen a spirit of self-reliance, a disposition to look to their own welfare in a wide way, a desire to find out what justice is and to claim it. It is surprising that any critic of the labor-movement should overlook this immense gain. No class is hopeless that strives to help itself; every class is hopeless that lacks self-help. The first effort toward regeneration anywhere must be directed to this very point, the calling out of self-directed effort. When this spirit has appeared among workmen, many, instead of greeting it as the sure precursor of better things, have occupied their attention, chiefly and regret-

¹ E. W. Bemis's *Political Science Quarterly*, vol. ii. p. 277.

fully, with the disturbances and mistakes incident to it. These mistakes have not been greater than we ought to have anticipated, not greater than belonged from the nature of the case to those so long forgotten, and crowded down under harsh economic law, harshly applied. Workmen, like all of us, are entitled to their mistakes. Let those who are without sin cast the first stone. The entire record of the world is one ever renewed error, and its slow correction. No class has less right than the ruling class to plead against workmen their mistaken and passionate methods. To one who knows how painfully the world progresses, these failures are as nothing in the presence of real growth. Take the single subject of finance, how wastefully has the race scattered its wealth along the way, like grain spilled from a loose and jolting wagon.

We may well enough enumerate these errors as a means of correcting them, but not as bringing discredit on the efforts with which they are associated. They are mere sparks scattered by the heavy blows under which the massive framework of social order is welded.

Nor have these efforts of workmen been lost on employers in teaching them first lessons in the brotherhood of men. There has been a very natural, but very flippant, logic prevalent among managers by which, without serious distrust, they have appropriated the world. Never were tyrants less aware of their tyranny. The additions to production by good management have been conceived as belonging to the manager. He was to sweep in the gains of invention, discovery, combination, the growing momentum of productive forces. The stars in their courses were to fight for him. The

manager has felt, and justified his feeling by a smattering of Economics, that the wages of the workman had been honestly paid him, why should the workman interfere further with that forward movement of the world he did not institute and ought not to restrain.

The better view, that the gains of civilization are common gains, that, as in an army, good leadership merely develops the powers of all, that victory is the victory of all, that the resources of the world are common resources, its opportunities open opportunities—this view, profoundly moral, and because moral woven deeply also into all permanent and permanently profitable economic relations, has been slow to find its way into the minds of employers, hard pressed by rivals and flushed with immediate success. The wage-earner, as a man, as an independent factor in production, has the right, acting singly and collectively, to push his way in, and share the successes of civilization. How far and in what way this can be done is the one problem of society, and cannot be settled by any familiar saws or short ways that are involved in the uncorrected forms of existing social life.

The assertion, "I will manage my own business," pertinent as it may be when one knows exactly what one's own business is, is exceedingly impertinent when one has swept into one's own concerns all the business of the world. If no part of the business of production belongs to the workmen, save that of a hireling, he is ruled out of a world in which the activities of men are chiefly developed. The control which shall fall to the several parties to production cannot be settled by the assertion of any one of them. As the labor of the em-

ployee is a universal and essential factor in the common profiting, he must be left at liberty, individually and collectively, to watch over all the interests involved in this contribution. This fact employers are learning to accept.

It is not in order to say to the workman, "If you do not like the wages offered, go elsewhere." There may be no elsewhere; and if there is, by what right does the manager take to himself, in this absolute way, the present opportunity? It is the duty of society to concede to the workman the use of the conditions for resistance of which he is in possession, and the duty of the workman to use these conditions in harmony with the common welfare. Combination may make chances which were of no value to him, acting alone, of great value. The employer has taught him this lesson of combination. His accumulated strength is due chiefly to combination. It has been this very fact which has made the weakness of the individual workman so conspicuous, and left him, in the presence of overshadowing corporations, no independent employer to whom he could turn. Shall it be granted to capital to combine indefinitely, and shall the right of combination, made necessary to the workman by this very fact of the accumulation of capital in single hands, be denied him? Management has increasingly grouped workmen in one class as "hands;" shall not these hands be at liberty to act together, even as they are acted on? Shall they suffer the disadvantages of this levelling process, and be denied its advantages? Shall the era of individualism pass by for the employer, and not for the employee?

Black-listing has in many cases been the prelude of boycotting, and that, too, with far less justification.

Black-listing is the resource of the strong against the weak; boycotting the resource of the weak against the strong. We may well strive to escape these wasteful and pernicious measures, but the very first step toward escape is a recognition of the claims of justice in the premises. The attitude of management toward labor is sometimes put as a survival of the fittest. But this is a virtual appeal, under the analogy of the lower forms of life, to strength; and may not the workman well test this point of power before he concedes it?

The supreme profiting that has come to society from trades-unions is this very fact, that all the deeper questions of justice and social construction are broached by them and put in the line of settlement. The world is for man is the comprehensive idea which underlies the labor-movement.

§ 10. We turn to the evils which have accompanied this effort, that we may estimate them truly and learn to escape them. The weapons which have made trades-unions formidable, strikes and boycotts, have, very naturally provoked severe criticism. They are grave evils, but the responsibility for their existence rests on the community collectively. In any given instance, wrong on the part of management, unreasonable claims on the part of labor, an unconcessive temper in the two parties, a fretful and inconsiderate temper in the community, determine the apportionment of guilt. Certainly, under any just judgment, the larger share of fault will not be found, as a rule, to rest with workmen. A strike is a softened form of war, and, like war, involves wrong somewhere. Like war, also, it is better than abject submission. The patience, firmness, self-

denial, with which workmen have again and again borne the very unequal strife are worthy of all honor. The gains of strikes on the part of workmen have been far greater than their losses. This proposition is probably true, economic interests alone considered; it is undeniably true if we reckon in the social and moral strength that have been won in connection with them.

The immediate losses of strikes have often been very great. The cost of the spinners' strike in Manchester, England, in 1829, was estimated at \$1,250,000. The strike at Ashton and Staylaybridge, in 1830, was attended with corresponding loss. The strike of cotton-spinners at Lancashire in 1893 included 125,000 workmen, lasted twenty weeks, and involved a sacrifice of something like \$10,000,000. It resulted in an agreement that no change should be made in wages at any time greater than 5 per cent, nor more than once in any one year. The strike, in the same year, of miners in the coal-mines of England was marked by a very heroic endurance of suffering, and was attended by an estimated loss of \$30,000,000. Strikes are the hard conditions which society puts upon workmen, but are not too high a price to pay for progress, if it cannot be otherwise secured. Employers and workmen alike have come to dread strikes, and counsel and concession have steadily gained ground. Seven of the largest trades-unions in England spent in 1882 only 2 per cent of their funds on strikes; and trades-unions, as a whole, spend less than 10 per cent in this direction. Mischievous as strikes always are, and mistaken as they often are, it may yet be doubted whether workmen have ever spent their voluntary contributions to more

advantage than this 10 per cent, all things considered, on strikes. While it is far more economical not to fall sick, being sick, the medicine that restores health is cheap.

That the errors of violent methods lie as frequently with employers as employees is indicated by the report of the Commissioner of Labor of the United States for 1887. Of the strikes which occurred from 1881 to 1887, 46.52 per cent succeeded, and 13.47 per cent partially succeeded. Of the lock-outs during the same period, 25.47 per cent succeeded, and 8.58 per cent partially succeeded. This is convincing proof of greater forbearance on the part of workmen than on the part of managers, when we remember how unequal these conflicts are. The employer may easily win by superior strength; the workmen can hardly win otherwise than by superior right.

The very unworthy way in which wealthy corporations may unite in breaking down the claims of the weak is pathetically told in "The Strike of Millionaires against Miners," by H. D. Lloyd.

A second objection to trades-unions has been the bad temper called out by them between employers and employees. We can attach no great weight to this objection, momentous as is the evil in itself. Good feeling that does not rest on justice has no profound value. Peace must often be displaced by the sword in the pursuit of righteousness. Respect and the deference of fear are far more wholesome between employers and employees than an indolent good-will, the product of weakness on the part of labor.

The strife between union and non-union men occa-

sioned by these combinations is a more serious evil. In the best organized trades, hardly half the workmen in a given occupation belong to them. A certain class of self-reliant, independent workmen prefer to remain aloof. For them the union means a sacrifice. A larger number of careless and indifferent workmen fail to unite. In good times they do not feel the need of aid; in bad times the unions are unwilling to receive them. It is impossible that hostility should not spring up between union and non-union men. Union men, always in their own eyes, and often in fact, are contending for the common cause; non-union men not only do not contribute to this effort, they often make it futile by a blind competition. When a strike is in progress attended with much suffering, and non-union workmen accept the rejected service, they are taking labor they have not themselves secured, and by doing so are aiding to bring about a reduction of wages. Human life, in all its trying experiences, hardly offers another case more provocative of bitter feeling. The case is one in which the plea of industrial liberty is brought in a deceptive way against social progress. The hostility is like that which, in our own Revolution, was felt against those who would not take part in it. The individual, in a general movement for the public welfare, must concede something of his own personal liberty. A constraining, organic force gets hold of him, and he must respond.

That trades-unions are not always wisely guided is a matter of course. The "walking delegate" — whose influence is often exaggerated — may be a nuisance, but even then a nuisance of much the same order as the political boss to whom so many of us submit with so much

complaisance. The one has the same right to be as the other. They both may usurp the function of guidance. Sometimes, as notably in the building-trades in New York City, — a city in which many forms of social tyranny are rife — the general prosperity has been narrowed and cramped by the captious action of trades-unions.

They also accept some unjust and unwise methods. There has been a disposition to restrict trade, and to secure high wages at the general expense. But there has also been an increasing disposition to recognize the claims of women for equal wages for equal work. Trades-unions have not always been disposed to recognize diversity of pay as connected with different efficiency in workmen. This has arisen from not attaching sufficient importance to individual enterprise, and also from the difficulty of an adequate estimate of it under the uniform rules to which combination necessarily tends. Success, on the part of trades-unions, will help to restore liberty, and with it a fuller recognition of individual rights. It belongs to every conflict for liberty to sacrifice liberty somewhat.

Trades-unions, as yet but partially instructed in economic principles, are liable to urge bad laws. They have looked with disfavor on the employment of criminals in production. The evils to society as a whole which would attend on enforced idleness would be far greater than those which arise from prison products. These products constitute only about one-fifth of one per cent of the aggregate of products. Unless carelessly handled, they have very little power even of local injury, while the general growth of wealth incident to them is like all other wealth, a positive gain in production.

All these errors are in harmony with the ordinary terms of human discipline. What we learn of our relations in society is attended by most humiliating mistakes. The labor-movement is a revolutionary fact. It subjects a large fraction of society to a new, exacting, and wholesome discipline—a discipline allied to that which has hitherto fallen to the minority, and by which the minority have won whatever advantage in wisdom belongs to them.

§ 11. The labor-movement has aimed to correct the evils of the wages-system within the system itself. Other methods, as co-operation, profit-sharing, loan-association, have striven to do the same thing by displacing the system; by modifying it; by supplementing it.

Co-operation strives to put between management and labor another and better relation. Labor, management, and capital are united in the same persons, who share between them the common gains. Principles of division must still be recognized, more or less in accordance with those current in the community; but the producer is encouraged to participate in the several parts of production. Co-operation may be applied either to traffic or to manufacture. It has succeeded more perfectly, and found more ready extension, in the former field. As business increases in complexity and difficulty, co-operation is less able to cope with its demands. Those branches of production which require no unusual powers, are attended with slight risks, and prosper by honesty and a diligent attention to details, are best fitted to co-operation.

Robert Owen introduced co-operation at New Lanark

in 1814. It has prospered more in England than elsewhere, and more in commerce than in other directions. The Rochdale plan harmonizes and unites its essential features. The property involved in the given undertaking is owned by shareholders. The shares are small, and each shareholder has a single vote. The prices charged for goods are customary prices. The profits are divided between the shareholders and the purchasers, and are apportioned between purchasers according to the amounts purchased. The buyer, on whom the success of the business largely depends, is bound to it by being a partaker in its profits.

There are now about 1,000,000 persons in England connected with co-operation. The total annual business of co-operative societies in the United Kingdom had reached, in 1891, \$190,000,000, and the net profit to members \$20,000,000.¹ It has been a ground of complaint in England that co-operative establishments, incidentally engaged in manufacture, have, in this branch of their business, retained the wages-system.

Co-operation in America has been less extended and less permanent than in England.² The conditions here are not as favorable as in England. The pressure of motives hitherto has not been as great. Society is more changeable, and business is more fluctuating.

It is the first and chief advantage of co-operation that it fully interests and unites all the agents of production engaged in any given undertaking. Society is thereby more thoroughly and fortunately organized under this method than by the payment of wages. Social construc-

¹ "English Social Movements," Robert A. Woods, p. 34.

² A. T. Hadley, *Forum*, vol. viii. p. 53.

tion, instead of being broken up by business relations, is strengthened by them.

Co-operation is also a favorable discipline to those engaged in it. A great difficulty in the wages-system is that it tends to make the laborer improvident, and impatient of delay. He takes no risks, and lives from hand to mouth. The necessity of a provision for the future does not sufficiently impress him, and is not deepened by the constant discipline of accepting this and that self-denial in behalf of the success of the business in which he is engaged. Robust physical endowments often enhance this easy-going temper. Workmen are reluctant to make any provision for the future. The North-western Railway in England, giving occupation to 5,000 skilled workmen at Crewe, wished to set apart a fixed percentage of wages for old age. The workmen, under the two feelings of indifference and distrust, resisted the effort. Other companies have met with the same difficulty. Co-operation calls for forecast and patience. Unlike the wages-system, it includes workmen in the educational results of business. The lack of interest and the want of economy in workmen are not merely wasteful in the use they make of their own wages, they are still more wasteful in their effect on the productive process as one whole. Management is called on to contend, oftentimes unsuccessfully, with the indifference and negligence of workmen. Very little of the wages of workmen returns to production to enlarge it. It falls to one class chiefly to maintain the economy which provides capital, and cherishes the general prosperity. To secure in workmen a painstaking contentment with the economic and social work which falls to

them is a great achievement. This gain has shown itself markedly in England. Co-operation has become with many a kind of religion, and quite altered their relations to each other and to society.¹

Co-operation, when successful, tends to diffused prosperity. It promotes thrift by gathering capital in small amounts and returning it at once to production. It serves also to soften the general asperity of business by showing workmen conclusively what the difficulties and conditions of profit-making are, and establishing for them practical standards of judgment. There is disillusion in co-operation. It separates the ideal and fanciful in production from the practical and real. It compels men to meet each other and meet the facts on a working basis.

The difficulties of co-operation are closely associated with its excellences. Management is under-estimated in its importance by workmen. They are not willing to allow a sufficient reward to secure it. In a co-operative establishment, the division between management and labor is made by diversity of pay for different services. Such an establishment cannot altogether escape the economic forces operative in the community at large, occasioning a wide distinction between the power to labor and the power to direct labor. The notion of equality, applied in a crude way, interferes among workmen with the liberty which belongs to unusual and to superior gifts. The excellent management which has, in some instances, been secured in England in behalf of co-operation has been a voluntary contribution from those de-

¹ "Industrial Co-operation in England," F. G. Peabody, *Forum*, vol. viii. p. 274.

voted to the cause. The moral and social motives have overruled economic ones. This result is at once a gain and a danger. Workmen should be willing to concede more, and managers should be asked to concede less, than the present state of opinion calls for.

Co-operation, especially in manufacture, demands more firmness of purpose, more sustained effort, a more concessive organic temper, than now belong to workmen. Workmen are not prepared, either by previous economy or acquired patience, to wait for results. A co-operative concern depends on the harmony and good-will of so many, that it is peculiarly open to accident. It has little staying power. This fact goes far to explain the comparative failure of co-operation in this country.

The very discipline, therefore, which co-operation brings, stands at first in the way of its success. It shows this difficulty in common with all improved social methods. The better system must have a better temper, and cannot create it at once. The enlarged opportunity and the enlarged power slowly come forward together, with many actions and reactions.¹

Though co-operation has not fulfilled the dream of those who conceived it, it has been an important measure with other measures in disclosing to us the true social problem, and in pushing us toward its solution. It has helped to give us a better standard of possibilities, and shown us that distribution, as it has actually taken place, is not as unjust as we may have thought it to be.

§ 12. Profit-sharing, while somewhat allied to co-

¹ "Co-operative Distribution in Great Britain," 17th Report of the Labor Bureau of Mass. "Studies in History and Political Science," sixth series.

operation, does not break, in anything like the same degree, with current commercial methods. It originates with management, and takes the form of a bid on its part for more good-will, for a more hearty concurrence of effort. The control of the business involved is still left wholly in the hands of the manager, while a share of the profits goes to the workman in addition to his wages. There is a qualified partnership instituted between labor and management. Profit-sharing is flexible in form, according to the temper of those who institute it; yet it has some well-recognized principles. Profits are not divided except as they exceed a moderately remunerative sum, and are proportioned among workmen according to the value and time of service. Losses are borne, in the first instance, by the management, though a fund is usually set apart to meet them. The annual payment to this fund is made prior to the division of profits, and reduces by so much the share of workmen. There is frequently a fund for the superannuated. An excellence of profit-sharing lies in the many degrees and forms it can take on in concession to the sentiments of those engaged in it. It is important that it should not bear the appearance of a charity, but rest on a sound business basis; that its benefits should accrue to both parties. If there is any want of definiteness in its terms, this fact is very likely to give rise to distrust and ill-will.

The great economic advantage of profit-sharing is found in the good-will it inspires, and in the increased interest and effort that attend upon it. Profit-sharing, so long as this good feeling exists, converts moral conditions into economic forces, and economic forces into

moral conditions. Profit-sharing is a less thorough method than co-operation, but it is also a much less difficult one. Business can easily slide into it, and out of it with no grave losses. The ordinary relations of labor and management are not much altered by it. Enterprise still has its entire freedom, and the laborer incurs no unusual risk. The good feeling called out by profit-sharing is more organic in society as one whole than that incident to co-operation.

The chief obstacles to profit-sharing are the unwillingness of employers to make what they regard as concessions to employees, and the distrust of employers by employees. Managers, as a rule, do not believe in the productive power of liberal methods, and are reluctant to concede the patience they require. Workmen are slow to accept as genuine, proffers that seem to turn on the good-will of managers. The blind and distrustful temper of traditional ways is liable, on either side, to anticipate and overpower the better impulse.

Profit-sharing started in France with Laclaire, in 1842, a painter and decorator in Paris. It was very successful in his hands, as it is likely to be with those who thoroughly believe in it. It has prevailed extensively in France, some examples of it running through many years. It has been less successful and more fitful in this country. Our fluctuating economic conditions and our volatile temper have tended to an easy discontinuance of any difficult effort. We are slow to yield the simplicity and independence of the wages-system, in which every man cares for himself, pockets his gains, endures a share of the losses, and adds the remainder to the common heap of disasters.

In profit-sharing, as in co-operation, the difficulties are incident to the very nature of the gains. The gains are good-will and confidence; the difficulties lie in calling out that good-will and confidence. The good-will of the employer is not sufficiently strong; the confidence of the workman is smothered in a dull atmosphere of misapprehensions. The virtues on neither side are vigorous enough to beget reciprocal virtues on the other side.

The faults on either hand are quick to evoke those on the other hand. The midway line of contact, counsel, concession, is one which both parties approach with timidity. Messrs. Briggs, miners in the north of England, introduced profit-sharing in part as a means of weakening the hold of trades-unions. Workmen with a sound instinct have felt that complete organization within themselves was a more reliable source of strength than the concessions of capitalists, especially when these concessions were directed against this independent power.

Profit-sharing carries with it this high advantage, that it is a social and ethical, as well as an economic, reconciliation. It disposes workmen to more interest, economy, and diligence in their work. It gives them the sense of a real participation in the achievements of production, and it serves to divide more equitably the common gain. When successful, it leads to a more direct interest on the part of the manager in his co-laborers, and also to a wise recognition of the value of moral forces and sound social conditions in production.¹

§ 13. In addition to those schemes which have sought

¹ "Profit-Sharing," N. P. Gilman; also "Profit-Sharing," 17th Annual Report of Labor Bureau of Mass.

to supersede or modify the wages-system, there have been many others whose aim is to supplement wages, to make them more effective in securing prosperity. Among these, Saving and Loan Associations have been very successful, especially in some parts of our own country. They promote frugality, and encourage the workman to become the owner of his own home; they provide for him safe and profitable investments.

The stock of these associations is offered in moderate amounts. It is paid in small sums, at regular intervals. The stock held by any person is accepted as security for a loan to be used in building a home.¹

This method of aid started in Philadelphia in 1831. State laws were passed favorable to it, and limiting it. Since 1860 it has extended rapidly. It has been a powerful means in giving to Philadelphia its distinctive character as a city of homes. These associations have been managed with us as a rule wisely and honestly, and have acted as sound incentives in a very desirable direction. They are open—as a recent failure of a building society in London with a heavy deficit shows—to that most inexcusable fault, careless and fraudulent administration.

The various partial solutions of the perplexities of distribution develop, each of them, some special affinity with some one form of society, or some one type of national character. They thus indicate the close affiliation of commerce and moral forces. Trades-unions have been especially prosperous in England. The staid character of the workmen, their vigorous industrial training, the uniform and somewhat severe pressure to

¹ "Co-operative Saving and Loan Associations," Seymour Dexter.

which they are subjected, and the terms on which they stand with each other of free intercourse, have favored this result. For much the same reasons co-operation has spread farther and been more successful in England than elsewhere. Profit-sharing has especially thriven in France, and has met with only fitful success elsewhere. It turns on the enthusiasm of the manager, and on the ease with which he unites social and economic motives. An overbearing commercial temper constantly falls out with the vexations of profit-sharing. An impulsive, sympathetic character makes light of them. Saving and loan associations put no restraints on business, are themselves a simple extension of it, and appeal strongly to workmen sufficiently prosperous to make thrift possible. Hence they have prospered in this country side by side with methods shaped submissively to the eager money-making temper.

Savings-banks and life insurance are very general means of aiding the poor and those of moderate means. The very poor can hardly avail themselves of insurance, nor are they inclined to. The forecast called for is too great, the returns are too remote, and the immediate pressure is too severe. The most weighty objection to insurance has been the very easy entrance it gives to dishonesty. In the earlier stages of the business, the receipts are greatly in excess of the demands; the wisdom and integrity of the management are not tested till these demands begin to accrue in full force.

Savings-banks address themselves pre-eminently to the poor. They are open to two difficulties, insecurity and light returns. The first is much the more effective deterrent. The service rendered by them to the work-

ing classes in stimulating frugality, and to the community in general in gathering up and making available large amounts of capital, has been very great, so great that the prosperity of these banks is a safe test of the prosperity of the people. A perfectly open and a perfectly safe deposit in any community for the smallest savings of its citizens, a method of deposit that gives the same facility in withdrawing as in receiving funds, is one of the simplest, most universal, and most beneficent of economic forces. There are few crimes, judged by their immediate social results, worthy of more condemnation than carelessness or recklessness in handling these trust funds. The poor, in the degree of their poverty, are disinclined to save, and are distrustful of the terms offered them. Any action which enhances this evil is deadly in its effects. The failure of the Freedman's Bank scattered like a cyclone the beginnings of better things in the class for whom it was designed. It is these considerations of complete universality and absolute security which justify the Post-Office Banks of England. Deposits increased in them, in the ten years between 1874-84, from £23,157,469 to £44,773,773; and depositors from 1,668,773 to 3,333,675.¹ It is not easy to estimate the vast amount of additional productive and social strength which such a fact represents.

Other governments have taken up the far more difficult task of lending money, and of insuring workmen against sickness and age. The Belgium government lends funds on adequate security at 2.5 and 3 per cent. In Germany the government insures the workmen against

¹ "Social Studies," R. Heber Newton, p. 42.

accident, sickness, and age. In the insurance against sickness, the employer pays one-third and advances two-thirds; in the insurance against accident the employer pays all; and in that against age, the employer pays one-third, the employee one-third, and the state one-third.¹ These forms of insurance so reduce the independence of the workmen, and set up, in an obscure way, so many tendencies of an unfortunate character, as greatly to reduce the good they accomplish. The employer is pretty certain, sooner or later, to right himself under any burden laid upon him, while the loss of personal power and responsibility is sure to tell against the workmen.

§ 14. The aggregate results of these various corrections and aids have been very considerable. The possibilities of an improved distribution have been tested by them in various directions. We are to remember that unprofessional services, in their entire circle, will be chiefly determined in their price by the returns of labor in the leading lines of production. When labor is prosperous, and bringing prosperity to all in its primary forms, the products thus secured are present to enlarge the demand and increase the reward of service everywhere. Yet a direct result of these efforts for better distribution has been higher wages. This increase has not been wholly the inevitable consequence of enlarged production. This enlargement seemed ready, at the outset, to accept fresh hardships and social deterioration on the part of the workmen. The tide was turned in the opposite direction, and the possible successes contained in the circumstances won by a conscious and determined effort.

¹ F. W. Taussig, *Forum*, October, 1889.

Wages in England have increased in fifty years from 50 to 100, and in New England from 40 to 100 per cent.¹ The report of Mr. Aldrich, of the Senate Committee on Finance, Wages, and Prices, as summarized by C. D. Wright, gives the increase of wages in the United States since 1840 as something over 100 per cent. Representing the wages of 1860 — chosen as a quiet period just preceding the great war — as 100, those of 1840 were 82.5, and those of 1891 were 168.6.²

There has been on the Continent a growth, though not an equal growth, of wages. In 1867, in Milan, the cotton-spinner received 1fr. 40c.; in 1889 he received 1fr. 90c. The wool-spinner received at the same dates 2fr. 75c.; and 5fr. 50c. In Vicenza, in 1867, he received 3fr. 19c., and in 1889, 4fr. 35c.³ If there has been any appreciation in the price of gold in the last forty years, it not only does not directly appear in wages; it has served, if present, to enhance their purchasing power.

The purchasing power of wages, in the meantime, has greatly increased. This has arisen from the cheapening of products by the constant extension and improvement of machinery, from the diminished proportion of labor represented in products, and from the constant increase of skill in the laborer. In 1875, in Massachusetts, in 2,000 establishments labor constituted 24.68 per cent of the entire cost; in 1880, it had fallen to 20.23 per cent. In 1840, labor is given by David A. Wells as 25 per cent; in 1880, as 17.5 per cent. At the present time

¹ Wells's "Recent Economic Changes," p. 356.

² *Forum*, vol. xvi. p. 226.

³ *Spectator*, April 24, 1891.

28s. 5d. have in England the purchasing power of 34s. 0½d. in 1839.¹

According to the report of the committee just now referred to, "if we let 100 represent the prices of 223 commodities entering into consumption on the basis of the importance of each article in 1860," the corresponding representative number in 1891 would be 94.4.² Notwithstanding the violent fluctuation of prices in the United States in consequence of the disturbing effects of war, of an unsound currency, and of legislation discriminating between products, there has been an increase of purchasing power in wages. These gains have been greater and firmer in a country like England, in which the natural progress of events has been less interrupted.³

These two gains, increased wages and increased purchasing power, express themselves in a third gain, improved diet. In England, in 1840, the consumption of sugar *per capita* was 15.20 lbs.; in 1886, it was 47.21. In 1841, the consumption of tea was 19½ oz.; in 1891, it was 87 oz.⁴ This improvement in the external conditions of life is expressed in the United States more in clothing, homes, comforts, than in food. Food has been so abundant that comparatively little restraint, in this particular, has come to the great body of the people. This restriction is a recent difficulty connected with the growth of a dependent class, largely the result of an immigration that has constantly altered for the worse the terms of production.

¹ Wells's "Recent Economic Changes," p. 355.

² *Ibid*, p. 227.

³ "Essays on Finance," 2d series, "The Progress of the Working Class," Robert Giffen.

⁴ *Spectator*, April 16, 1893.

An increased use of meat marks more distinctly than any other change in diet the improved condition of workmen. Mr. Davies, an American contractor, laying pavements in London and elsewhere, raised the pay of his employees from 80c. to \$1, on condition of the use of more meat. Not only is the diet of the best paid workmen the best; the better diet correspondingly increases the efficiency of the laborer. Principles we readily recognize in the management of animals, we find more difficulty in accepting in connection with men.

In England the death-rate was, in 1660, 80 in 1,000; in 1871 it was 21.43.¹ The sanitary condition of each city now reveals itself very distinctly in the death-rate. London has a lower rate than Boston, New York, Brooklyn, or Chicago. We are still under the inertia incident to passing from easier conditions of life to more severe ones. We do not become aware at once of the change, nor do we at once arouse ourselves to meet it.

A further gain, greatly enhancing the value of the gains already mentioned, and preparing the way for intellectual and spiritual improvement, has been the reduction in the hours of labor. This reduction in England and in the United States is steadily approaching eight hours. Experience seems to show that for most occupations these hours indicate the point of greatest efficiency. This improvement has certainly not been the result of simply economic forces. A persevering and arduous effort has been made in this direction. To the surprise of almost all, it has been discovered that economic interests are not in conflict with it.

The steady growth of resources in workmen finds an

¹ "Subjects of Social Welfare," p. 4.

expression in the deposits of savings-banks. Mr. Giffen puts the annual savings of the working-classes in England at £6,200,000.¹

Not every portion of the working-classes has kept pace with the general improvement. Some have come under a sweating process which has forced them down to the lowest wages consistent with life. The most specific form of this evil arises under a contractor who gathers into his service, in any employment, the most dependent workmen, and gradually makes this dependence complete. All branches of needlework have been peculiarly open to sweating. A shrewd operator, for example, collects under his direction tailors who have been irregularly employed, and who have lost a secure standing in the trade. He pays them low wages, and exacts the largest service. He is thus able to undersell those who are carrying on the business under a more generous method. The fall of prices increases the dependent class, and makes those in the employment of the sweater more absolutely subject to him. This process, once initiated, repeats itself under competition with ever worse results. All are pushing wages down as a means of self-defence. The burden of the position is assiduously transferred from the dealer to the wage-earner, till nothing is left him but the most extreme toil for the most inadequate returns. The sweating process is a complete break-down of purely economic forces in connection with the public welfare. It is the expression of a downward tendency which they are liable to take on. An intermediate contractor or an inferior shop are not necessary parts of the move-

¹ *Spectator*, Jan. 28, 1893.

ment. The largest and the most respectable establishments may let out their work on the hardest terms, with severe fines for any alleged neglect. When the market for labor is assuming this phase, the single laborer cannot correct it, nor will it correct itself. The underbidding of workmen for employment operates more powerfully on wages than does the increased demand for products at these reduced prices. In New York City shirts have been made for thirty-five cents per dozen. Women have worked from fourteen to sixteen hours a day, and received from three to four dollars per week.¹

This system, once developed, is very difficult of correction within itself. The employer is as much subject to it as the employee. The employer can continue his business only by conforming to existing conditions, and his continuance is as much a necessity for the workman as for himself. The least scrupulous are assigning ever harder and harder conditions to all the rest; and the public at large, partly in ignorance and partly in concession to what they quietly accept as the inevitable under economic principles, profit by the wrong, and increase the superincumbent weight that is crushing out the life of the laborer. This evil develops itself especially in connection with the work of women. The change of occupation, the corrective force of Political Economy, is not possible to them. Generally, as labor becomes depressed, it loses that mobility on which Economics relies as offering a remedy.

The force of the labor-movement is at length slowly reaching this most depressed class. They are being organized into unions, and so put into a position to

¹ Henry George, "Social Problems," p. 211.

resist exaction. The Russian Jews engaged in cloak-making in New York have struck successfully for higher wages.¹ There has also been an effort to reach this evil by law. A mark indicating the place of manufacture has been required, thus disclosing to the public the goods which are the result of a sweating process. The making of clothes in private rooms renders public inspection and the imposition of suitable conditions difficult. The intensity of competition has so reversed all natural relations that the most undesirable forms of labor now hide themselves away in what we are wont to designate as the home. Any general and continuous improvement in the working-classes calls for the redress of this evil. The forgotten wrongs of the poorest laborer become, after a time, the millstone about the neck, drowning all in the sea of poverty.

The most satisfactory and certain test of improvement in the condition of the working-classes is a decrease in pauperism and crime. The increase of pauperism and crime in the United States shows the passing away of those exceptional terms of advantage which fell to us in the sudden occupation of a fresh continent. They are also the result, in part, of an extreme irregularity of distribution incident to a great diversity in personal powers. The two, poverty and bad distribution, have sustained each other. If these are other than transient evils, shortly to be corrected, they would suffice to extinguish the hopes of the future. Social improvement cannot be maintained in the presence of growing pauperism and crime.

¹ Ida M. Van Etten, *Forum*, April, 1893, "Hull House Maps and Papers."

There has been in England, in the period covered by the labor-movement, a decided decrease of pauperism and crime. In the British Isles, in 1840, there was one convict in 500; in 1885 there was one in 4,100. The general prosperity and exceptional enterprise in the United States — the result of its exceptionally favorable resources — have made us neglectful of social problems, and have covered up from us the consequences of our own carelessness. The evils of our methods have developed themselves the more rapidly because a large emigration has thrown upon us many already debauched by a bad civilization. The indications of the future are with us conflicting. Looking in one direction, we can find many grounds of encouragement; looking in another direction, we see occasion of alarm.) It has been estimated that, in 1889, 2,000,000 men in the United States received for their year's labor, on the average, \$200. A little pressure suffices to throw a million men out of employment. No country calls for more immediate thoughtful attention to social problems; nor is the want of such attention likely to be followed in any country by a more rapid accumulation of mischief.

§ 15. That the division between wages and profits has not been a desirable one is sufficiently shown by the great and sudden fortunes which have been secured — fortunes which do not, as incentives to action, quicken the ordinary processes of production, but provoke a speculative, reckless, and exacting temper. They beget fever-heat, not normal warmth.

In the last decade the total wealth of the United Kingdom was £10,000,000,000; of the United States, £8,000,000,000; and of France £7,200,000,000. Till a

recent period, this wealth was distributed more equally in the United States than in France, and much more equally than in England. Now a startling inequality appears in the apportionment of the fruits of our common labor. Many blind themselves to the ultimate social results of this inequality, and accept it cheerfully as the fruit of economic law. They seem to forget that a movement of this kind accumulates momentum at a fearful rate; that great wealth swallows up the opportunities of an entire community.

Seventy estates in the United States are estimated as averaging \$35,000,000.¹ In Detroit 2 per cent of the citizens are said to own half the city. Twenty-five thousand persons are thought to possess more than half the wealth of the United States; or 1 per cent of the people own 50 per cent of the wealth.² The average income of the richest 100 men in England is \$450,000; in the United States it is \$1,200,000. While inequalities have increased with us in this astonishing way, in England, in the same period, the balance of results has been in the opposite direction. The income tax shows a relative increase of moderate incomes. The number of incomes ranging between £150 and £1,000 gained, in the ten years commencing with 1877, 19.26 per cent.; while incomes in excess of £1,000 decreased 2.4 per cent.³ A tendency akin to our own shows itself only in the very rich, due to the immense increase of power which wealth, in its larger amounts, bestows. Incomes

¹ Th. G. Shearman, *Forum*, vol. x. p. 546.

² *Forum*, Th. G. Shearman, vol. viii. p. 40; F. A. Walker, vol. x. p. 243.

³ "Recent Economic Changes," p. 358.

of £50,000 and upward passed, in the years between 1843 and 1880, from 8 to 68.

Sources of
great fortunes:

1. These facts show plainly that distribution, as going on between labor and management, has not robbed the manager of his margin and of his motives. It should be remembered that these great and socially disastrous inequalities in distribution in the United States have not arisen under normal gains badly apportioned. Few of these great fortunes have been achieved under the usual operation of productive forces. They have been secured by a free use of that civil power which attends on wealth in an appropriation of common natural resources, as public lands, mines, forests; by legislation favoring given forms of production, as the manufacture of iron; by a dishonest use of great franchises, as in railways; by monopolies achieved through patents, as in the case of the telephone; by monopolies achieved through franchises, as street railways; by monopolies arising from a concentration of power, as in the Standard Oil Company; and by violent forms of speculation which have made great markets, as the meat market of Chicago, the instruments of gamblers. The New York Produce Exchange sold, Aug. 17, 1891, 21,000,000 bushels of wheat, while the entire amount in the United States was 19,556,682.¹ Henry S. Ives in eight years passed from a stool at \$1 per day to a failure for \$20,000,000.

This iniquitous distribution in the United States is due, very largely, to unequal legislation tolerated by public sentiment; or to the want of legislation protecting primary rights. The correction is civic, quite as

¹ W. B. Curtis, *Forum*, October, 1891.

much as economic. The people have lost their own, not so much by badly applied economic laws, as by a social and civic temper neglectful of the claims of man upon man. Ill-ordered taxation has transferred wealth in large amounts from the poor to the rich. These points will receive further consideration under Civics. The labor-movement, in its efforts to correct distribution, has shown most desirable results, but results that leave much to be done.

§ 16. The long, heroic struggle involved in this movement has been replete with social instruction. Social contentment, social construction, depend, in a high degree, on just distribution. Just distribution gives a universal, uniform, and prosperous motion to all the wheels of production, and sows its products with an even and generous hand, as the seed of later harvests.

It is as nearly self-evident as possible that every man is entitled to himself, to his own powers. No other property can be plainer than this. This right leaves untouched the right of every man, working with or under a man of unusual endowments, to make what terms he can with him. A man's right to his own powers does not mean a right to unresisted appropriation of all the gains that may accrue in connection with those powers. Profits turn on the concurrent labors of many, and there is no absolute portion which falls to one or another without consultation and agreement. It is a part of the power of each to make the most he can, then and there, in the use of his powers. The principle, that each man is entitled to the product of a legitimate use of his own powers, while it precludes an equal division of the returns of labor, allows each

laborer to part with his services on the best terms he can command. In so doing, he is simply putting his powers to their highest use.

While just distribution calls out to the full the claims of all, it does not leave them to be wrangled over with no principle of reconciliation. It is for the advantage of every man that the powers of every other man shall find full expression in production. His own gains turn on it. There is thus a double set of interests involved in distribution. Each man is first anxious that his own share shall not be unduly reduced, and then he has occasion to be anxious that the share of no other man shall be unjustly diminished. There is a point at which all claims are reconciled, a point at which a maximum advantage — all persons and long periods being considered — is attained. One's portion and the portion of others may stand in such relation to each other, that all are stimulated to put forth their best efforts. The need of giving full play to the skill of the manager, the need of calling forth effort and hope in workmen, are correlative parts of one result, the largest production. The largest production is the determining idea in Economics. These two things are not merely concurrent; they are in long periods inseparable from each other. Any excess of advantage, on this side or on that, first weakens the opposite interest, and then, in reaction, weakens the very interest which seems to have won the battle. Strenuous and sustained effort is as good for the one party to production as for the other, and can only be sustained in both by just distribution. Reasonable gains, as the result of assiduous effort, is the law of the largest production.

4 low price
max. production.

If either side needs to be handled tenderly, it is the weaker side, it is labor, not management. Industrial incentives, ambition, energy, the pleasure of power; industrial virtues, forecast, patience, economy, — are more constantly present with managers than with laborers. Managers are less open to social depression than workmen.

That distribution is at once economically and socially the best which gives the widest and most adequate incentives to effort, which allows the freest play of powers, suffering no man's powers to override the powers of others. There is a clear tendency toward this result in the present form of distribution, notwithstanding its frequent failure. There has been a growth of wages in the presence of exorbitant profits. While wages have risen, prices have fallen. Workmen have not gained ground at the cost of their fellow-citizens. In most departments of production the two movements have gone on together, the gain of workmen by increased wages, the gain of the citizens by diminished prices.

So far as economic principles are concerned, two things are plain. The labor-movement has in no way broken with them. They remain much the same truths they have been thought to be. The method of distribution which gives them the most immediate force, the wages-system, is still the rule. On the other hand, it is equally clear that these laws are not, in their most successful use, automatic. They can, in various ways, be softened, supplemented, redirected, so as to reach more certainly and rapidly the general welfare. Man's intelligence finds full play both under them and through them. Economic principles are pregnant with benefi-

cent possibilities, but wisdom alone brings them successfully to the birth. Prosperity is not a mechanical product, but a rational one. Men's very diverse powers, and the very diverse positions which these powers assume to each other in society, will not long respond in the delicate correlations of production unless all powers are fed, stimulated, and renewed by favorable distribution. The industrial soil will be exhausted unless it is constantly fertilized by the very tillage to which it is subjected. Production calls for a consumption coextensive with itself. Consumption properly has the lead. Any inability anywhere to consume means inability to produce. These two abilities must touch each other, point by point, and balance each other through the entire field. The rise of wages must mean increased consumption; increased consumption must mean increased production; and this, the sustentation of wages. The workmen, in the end, control industry, because they alone give consumption the breadth and volume which make production universal and safe. An enclosed sea becomes a Dead Sea with vicious characteristics. The ocean alone maintains its salubrious quality.

Favorable distribution, and the growth of productive resources under it, can be gained in no sudden, and in no single, way. They involve slow steps of better integration, a growth in the capacity of individuals and in their relations to one another; they turn on vital processes, perfected at single points, and resolving themselves into innumerable particulars. The difficulties and the remedies are neither wholly economic, nor wholly social, nor wholly moral; they are all three, blended in an industrial, social, and moral coalition. The methods of men,

the temper of men, the thoughts of men, pass together and pass continuously into better adjustments. The lower impulse is chiefly significant in its connection with the higher impulse, and the higher impulse discloses at once its true scope by shaping the lower one in better uses. Social salvation is wrought out, individual by individual, class by class, community by community, nation by nation, all operative in extension of the same principles. In these social processes, the separation and the unity of our lives are to be equally emphasized, the potency of great principles and their perpetual suspension by the recalcitrant will. The ultimate good includes alike a perfection of parts, and a perfection of combination.

*Two pages annihilating the
Protective Policy.*

CHAPTER VII.

EXCHANGE.

See Index.

§ 1. THE social difficulties which have arisen in connection with exchange have not been occasioned by a too arbitrary and unintelligent acceptance of economic laws, but by great ignorance of them and restlessness under them. The wide and sweeping disasters which have been associated with exchange have been the result of short-cuts to wealth. The doctrine of protection, which has been so extensively urged in limitation of trade, is an example. Nations have not trusted themselves to that free and universal exchange of products which is the foremost process and principle in Economics.

The doctrine of protection finds limited recognition under the laws of Political Economy, and is a totally different doctrine from that which goes under the same name as a national policy. It is possible that a nation, selecting certain industries suited to its conditions, and nourishing them into strength, might, thereby, hasten its development. Such protection is simply a slight anticipation of natural forces. It soon passes into those universal forms of wide and prosperous production expressed in free trade. It is not a refusal to plunge into the stream, it is simply getting ready to plunge in. Such a policy is a very delicate and a very limited one, and calls for a discrimination and self-control that nations have rarely shown.

The doctrine of protection which elicits such warm support as a national policy bears little or no resemblance to the slight concession from which it has sprung. This concession has simply been a screen behind which many things have been done of which the public was not aware. Protection once entered on, every producer endeavors to avail himself of it; and a large share of enterprise is diverted from watching over and improving the natural conditions of production, into watching over and improving the artificial ones expressed in the discriminations of law. Protection ceases to be regarded as a partial and transitional state, and is accepted as a permanent and universal one. In this form, it bids defiance to every principle of Economics and Civics alike. It becomes an extended and unscrupulous struggle of different interests to gain an advantage over each other. Far from its being an acceptance of a burden for a brief period by the strong in behalf of the weak, it becomes a method by which the strong, in all secret and obscure ways, circumvent and weigh down the weak. A state of things is now reached in which no man knows, or can know, what the natural forces really are. It is alike difficult and confusing to go backward or to go forward. Industry is not resting on natural law, but civil law; and some one is pinched and shrieks out in pain at every move. It is true, made true by protection itself, that many forms of industry will suffer by withdrawing aid. Artificial conditions surround every kind of business, conditions so artificial that we know accurately neither the good nor the evil which is at work in them; we are only aware of the outcry against reduction. The business temper, in this general

confusion of results, becomes naturally and inevitably a determination to profit to the utmost by legislation, with little or no attention to the alleged losses of others. Enterprise is misdirected, inequalities spring up not at all involved in natural facts, the sense of justice is utterly confused, and the public mind is confounded by a perplexity of claims and counter-claims beyond all analysis.

A manufacturer of fine silk plush, returning from Washington, remarked, "I have got it fixed. If this duty holds six years, I am a rich man. I do not care after that." Such a bill as the McKinley bill becomes a gigantic segregation of human selfishness, a blind product of conflicting interests, whose true relation no man understands. What Sociology here teaches is a better recognition of the laws of Economics and far more confidence in them; the displacement of the immediate gains of self-interest by the permanent gains of unrestrained activity.

§ 2. The laws of exchange in connection with which men have suffered the most sweeping disasters, disasters which have brought with them less instruction than one would have thought possible, have been those which define a sound currency, a safe and righteous medium of exchange. This error is more observable as connected with a defective sense of justice. The principles which govern currency are not so obscure in theory, or difficult in practice, as to explain the general and constantly returning obscurations under them. We have, in these disasters, fresh enforcement of the truth, that all laws which enter into social action must rest ultimately on moral sentiment.

2. The two points of confusion in currency have been its quality and its quantity. Nothing would seem to be simpler than the assertion that the standard of values, like other standards, should be unchangeable; that none of us should expect to profit by any increase or diminution in the unit of values, any more than in the standard foot. The one uniformity we accept, the other we constantly evade. This state of mind is not altogether capricious and wrong. The conditions are widely different. The foot measure is invariable, the dollar has always been variable. Men have given over every hope they may have had of profiting by a longer and shorter yard; they are still constantly losing and gaining by fluctuating standards of value. We have come to look upon these standards as necessarily uncertain, something to be paltered with to suit the circumstances. Because our standard is not perfect, because its want of perfection works some unavoidable injustice, we have lost the disposition to make it as perfect as possible. Proximate perfection does not secure the same hold upon us as absolute perfection.

To measure values, to hold them as nearly firm as possible, are the primary functions of currency. Though it may perform other functions without performing these, it performs them in a transient and defective way. Values may pass in and out of a fluctuating currency in the same hour or the same day, and we may suffer no inconvenience. The function of transfer has been discharged. But such a currency loses even this function, if any long period is under consideration. It yields nothing as it receives it, and all is confusion — not merely of values, but of social incentives and social

sentiments as well. A sound social temper is one which seeks to perfect the standard of values, not one which strives to reconcile debtors and creditors, adding the fluctuations of the present to those of the past, and preparing the way at each stage for a new and distinct set of losses. Moral soundness and financial wisdom are emphatically one and the same; and all that is fruitful, true, and just finds expression in a good currency.

There is much confusion of thought as to the medium of exchange, but it is due chiefly to the immediate conflict of personal interests with the public welfare. We touch bottom by virtue of deeper ethical soundings. This question of a standard of measurements at a point on which the practical value of so many other measurements turns, has been put to us in a new form by the extreme fluctuations of silver. The two metals, gold and silver, have parted company to such a degree as to render it improbable that they can ever be yoked together again. The bimetalist holds that if a general consensus of commercial nations could be secured for the use of both metals at a favorable ratio, the demand for them in currency would be so extensive and firm as to overrule the minor fluctuations of supply; that, as each would be fully available for the same service in currency, they would at once replace each other if any disparity of value arose between them, and so immediately correct it. This view has, in a high degree, the defects which beset economic theories. It supposes the agents involved in it to act with the quickness and certainty of mechanical forces. It is also conditioned, for its initiation, on a forecast and concurrence which it is impossible to secure. That the corrective forces relied on are present in a

bimetallic currency, and would tend to operate in the manner specified, would seem undeniable; but whether they would show the energy necessary to correct the fluctuation occasioned by irregular production is a question to be determined by experience only. This uncertainty is much enhanced by the fact that the maintenance of the price of silver would increase a production already too great, and so bring on at once, in its full force, the conflict between demand and supply.

The conditions which govern the supply of gold and silver have no connection with any relation which may be assigned them in a currency; and it is always possible, therefore, that these natural forces should prove too strong for the restraints we are able to put upon them. Events quite beyond the control of any theory have pushed forward gold as the most adequate standard of values. Nor would this result, if it were cheerfully accepted, and the ingenuity of all were directed to the devising of safeguards, be the occasion of alarm that it now is. Existing apprehensions are not so much the results of present evils, as the disappointment of hopes that have sprung up with a fluctuating medium, lending itself to speculative methods.

? It is not certain that gold has appreciated. If we set aside prices that have fallen under the effect of the introduction of machinery, the prices that remain do not indicate a change in the value of gold. The commodity which is much the greatest in amount, and whose purchasing power is of chief moment to society, to wit, labor, has steadily advanced in price. This fact is of interest, not simply as bearing on the appreciation of gold, but as indicating that that appreciation, even if it

has taken place, has in no way interfered with a chief interest of society. The workman, his own wages on the increase, is ready to avail himself of the fall of prices in other directions. But if services constitute something like one-half the subjects of exchange, if they have increased in value, if to this increase is to be added the enhanced value of many other products, like furs, ivory, woods, lumber, fuel, and many forms of rent, governed by scarcity, it is not easy to affirm that gold has departed from the relative position it has heretofore held.

As a matter of fact, a sound currency, resting on a gold basis, has made London the financial centre of the world. No appreciation of gold has interfered with this result. That is to say, the approximate stability of values in London has easily overruled, as a commercial force, all other considerations. It has shown itself the most potent of them.

The metallic basis of any currency is capable, in use, of such indefinite multiplication of power by bank accounts, bills of credit, checks, drafts, subsidiary coin, — devices which turn in their extent on the good faith and security which belong to a firm standard — as to remand it almost exclusively to the single service of defining values. The transfer of values falls almost wholly to its accessories. If there is strength at the centre, the revolution at the circumference will show great resources within itself. If the possibility of conversion is certainly present, actual conversion will take place but rarely. If the moral and economic forces of any community are in harmony, the economic forces will develop tremendous resources. The fulcrum of leverage is a firm standard of values. In mastering the essential element

of integrity, we shall have mastered all its concomitant methods of expression. One may say that the economic centre and the moral centre in exchange coalesce in a firm standard of values. Capital is never so abundant as when securities are good; securities are never good except in connection with a firm expression of values. No policy which neglects the primary consideration can cover its failure by adroitness in secondary things. Distrust will ruin all its measures. The chief social truth which exchange teaches us is the startling coincidence of all interests in honesty—the speedy disaster which is sure to follow in all directions any loss of a standard of values. Exchange rests on that integrity which is the heart of all life. The inequalities of distribution are far greater, far more distressful, in connection with a fluctuating than with a fixed medium of exchange. The unreasonable growth of private fortunes with us was much accelerated by the war and the hide-and-seek of an unsound currency.

§ 3. The second consideration in a favorable medium of exchange is quantity. The two, quality and quantity, cannot be separated from each other. Quantity goes far to determine quality, and quality is a chief regulating force in quantity. The notion of a creation of values without labor has had great fascination for men. It has been an economic millennium which they have been forever promising themselves. The bill of credit has the purchasing power of a corresponding amount of gold, and this sensuous fact expresses for many the entire fact. This illusion is the more complete, because the bill at once greatly extends and improves the service of gold. The law that labor is the universal condition of produc-

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tion seems to be partially set aside, and the visionary mind seizes with avidity upon the suggestion. To break with the universe over some scheme of perpetual motion is very fascinating.

All expansions of currency are forms of credit resting back on financial strength and moral integrity. They no more create values than they create goods. The number and form of cars are determined in reference to the amount of traffic, and have no value aside from this service. The number and form of loans depend on the activity of trade, and are wholly defined in their usefulness by the interchange they promote. Bills of credit have, as means of transfer, the same direct and exclusive dependence on the function they are fulfilling.

Times of inflation have frequently been active, productive periods, and hence, in spite of the disasters which have followed them, have been associated in men's minds with prosperity. One might as well identify large and rapid transportation with an increase of cars, and suppose that a multiplication of this kind could at any time command business. The inebriate retains a clear impression of the pleasures which go before intoxication, and but a faint image of the penalties which follow it. Men are not completely wrong in supposing that an inflated currency may make the borrowing of money somewhat easier; they are completely wrong in supposing that it will alter the relation of debts to production, or in any way increase the sum of values. Superfluous cars may, for the moment, tend to cheapen freight, but cannot be a condition of permanent prosperity.

The public must act in reference to its collective and permanent welfare in establishing currency; and this turns exclusively on the fitness and adequacy of currency as a medium of exchange, and not on its immediate adaptation to the wants of persons. It belongs to a sound currency to guide and restrain, as well as fulfil, personal impulses. Nowhere do the voluntary and the involuntary, the wise choice and the conditions which set it limits, more freely mingle than in currency. It is impossible to define the amount of currency needed. It is a changeable amount, which declares itself only in the actual presence of commerce, never fully anticipated. We can determine what constitutes a sound, flexible currency; and we can safely trust a sound, flexible currency to commercial forces. Soundness is the fundamental idea. It limits flexibility and defines quantity. No quantity is dangerous which does not reduce the central strength. Nowhere do we see more clearly than in exchange the interlacing of all social activities, and nowhere else does retribution follow so quickly and so severely on the unsound mind and the shuffling method.

PART III.

CIVICS AS A FACTOR IN SOCIOLOGY.

Customs.

Economics

Civics

Ethics

Religion.

PART III.

CIVICS AS A FACTOR IN SOCIOLOGY.

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CHAPTER I.

THE THEORY AND FUNCTIONS OF THE STATE.

§ 1. Civics discusses the forms and the development of the state, its functions, the duties and rights of the citizen in reference to it, and its duties and rights in reference to the citizen. Civics is likely, in connection with Sociology, to receive all and more than all the attention which belongs to it. The state expresses the most conspicuous, universal, and voluntary organization among men; and men are ready to attribute to it far more influence than it possesses. Though it is the most explicit and positive framework of order, it is only a framework, and leaves most of the enclosed forms of life to be achieved. An enclosure may determine the possibility of a garden, and yet do very little to make the garden.

[Civics lies between Custom and Economics on the one] *above.*
hand, and Ethics and Religion on the other. The voluntary activities are more predominant than in the first, and less so than in the second. The state unites a high degree of voluntary effort with controlling involuntary conditions. At any one moment it deals with circum-

stances and acquired tendencies much too strong for direct management; but in a long period it can greatly alter its own terms. Nowhere do the changeable methods, set a-going by the will, glide more quickly than in Civics into the flow of events that sweep before them all option. The pure moral impulses that spring up in Ethics and Religion encounter in Civics the inertia and the momentum alike of a slow, continuous, universal evolution, and so sink down into customs slightly modified, laws partially improved, and sentiments a trifle more regenerative. The state is the battle-field on which much of this social strife is fought out.

1. 2. The state, as a term in Sociology, can best be considered in its rightfulness, its objects, and its development.
 3. It is in these directions that society, as a large and more comprehensive whole, acts upon it and receives its reactions.

§ 2. The question of rightfulness always lies latent in every form of government, and in every method of administration, and may at any moment announce itself by a slight or a violent shifting of forces. The struggle of the growingly organic forces of society with that cardinal expression of order, the state, is a most conspicuous part in human history. It is in vain that men have insisted, as in reference to slavery, that this or that law was purely political, and had no moral bearing. Society, in its restless forces seeking better adjustments, has opened against every barrier its everlasting fret, and levelled it before its untiring and aggressive waves.

Government is an inevitable fact resting on deep tendencies in society, which cannot but declare them-

selves. So far as government is inevitable, it is not open to the question of rightfulness. This test can only be applied in connection with some possible change which can be made in it. Much the larger share of government, which for the moment we encounter, is rightful by virtue of the inertia of the world.

As all earlier governments assume form chiefly under forces which have a sweep beyond the wishes of men, rightfulness is a question less pertinent and less frequently urged in connection with them. Men raise it with earnestness only as the state gains form and extension under voluntary action. The question of rightfulness is of primary moment in Sociology, because Sociology is ever looking forward to that rational construction in which the lower and the higher impulses are fulfilled.

Rightfulness is not primarily a question of forms in government. Forms are in themselves indifferent to it. They are significant only as the state, by means of them, fulfils or fails to fulfil its immediate functions. Whatever form best subserves the immediate possibilities of the state is the rightful form. The state is not to be judged by the theoretical relation of its parts to each other, but by the degree in which it is securing the public welfare. Forms of government are not as distinct within themselves, nor, as means of development, as controlling, as they are thought to be. A democratic government may be characterized by most arbitrary acts and sweeping tyranny. If a certain rightfulness is attached to an act, simply because it is the act of the majority, then, for the time being, the very grounds of obligation give way, and the minority

→ One form for one people,
a different form for another.

are subjected to injury without even the right to complain. A government, monarchical in form, may, on the other hand, stand in close response to the wishes and the wants of a people. The ordinary divisions of government are external and formal, and tell little in any given case concerning the rightfulness of the state. Their significance turns chiefly on the different degrees of readiness with which they respond to the life of the people. A democratic government is as capable of abuse as any other, but it also keeps the way more open to redress. The government of our large cities, as of New York, is frequently as ineffective, as prodigal, as corrupt, as can anywhere be found in civilized countries; but the method of improvement is just at hand.

No more is the rightfulness of the state determined by the manner in which it has come into being. This is significant only in connection with the way in which it is fulfilling its functions. A state, in its origin, may indicate such a disregard of the wishes of the people as to be a prediction of tyranny. If, however, the existing state is rendering well its own duties, this fact covers all defects of title; and if it is not, this fact invalidates all claims. A large share, usually the larger share, of the forces which determine the form of a state are beyond the control of men, and must be accepted by them as a kind of fate. The question of rightfulness touches chiefly those modifications, often simply secondary, which are at any moment open to the citizen. This large element of the inevitable it was which gained recognition and expression in the doctrine of passive resistance—in the aphorism, *The powers that be are ordained of God.*

The opposite view, so strongly expressed in the preamble of the Constitution of Massachusetts, and so deeply implanted in the American mind, has arisen as a reactionary statement in the confusion and contention which always exist in men's thoughts between the free and the necessary in human affairs. "The body politic is formed by a voluntary association of individuals. It is a social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good." This declaration has been as true in Massachusetts as it has ever been anywhere; but if any portion of its people should allow their option to carry them beyond certain conventional lines, they would find at once that these phrases had lost all application.

It belongs to a sound Civics to recognize just as certainly the inevitable force of existing sentiments and existing circumstances as to recognize the choices of men, their deliberate counsels and well-formed purposes. In the establishment of the Constitution of the United States — though the conditions were favorable in a high degree for voluntary action — the struggle was a protracted and even-handed one between organic and inorganic forces.

This statement concerning rightfulness, that it is always a limited question, returning constantly under changing forms, is established by the entire history of the world. If forms of government and methods of formation are the tests of legitimacy, then almost all the governments of the world have been illegitimate, and our own government, though failing in so many ways to protect its citizens against the pressure they

exert on each other, is beyond question. So we have but too frequently regarded it. The assertion that the rightfulness of a government turns on the manner in which it is fulfilling its functions is simply acquiescence in the doctrine of development as applied to human history. Equally so is the assertion that every failure, capable of correction, is to be brought home to the government to which it pertains, be that government democratic in one degree or another. The elements of tyranny and liberty, compulsion and choice, interpenetrate every government, and are far beyond the exclusion and inclusion of forms.

This view also treats the growth of the state in closer analogy to human affairs, as, for example, the growth of the individual. The individual is pre-eminently his own judge. He is an autocracy. He is conscious of his powers. He feels that they lay upon him duties, and that these duties carry with them rights. The voluntary element is uppermost. And yet under circumstances, as little of his own choosing as the rocks and rapids and shoals of a river, he guides his boat onward as best he may, taking up by itself each bit of a problem. Thus the state, with an inherent energy that waits on no man, finds its constructive centre now at one point, now at another, and so shapes itself, ruled and ruling, constrained and constraining, toward the destiny that lies somewhere between the fatal and the free conditions that envelop it. Its questions are narrow, practical ones, to which it brings what light it can of far-off principles. The state becomes a *quasi* person, achieving for itself a bearable life. It is a survival of that which is fittest, as defined by many conflicting

tendencies. It is a germ of life, submitting to much modification, and ever moving onward with the circumstances which infold it. Government best prospers with a people who, like the English take up its questions in a narrow, practical, empirical way.

§ 3. The rightfulness of the state may be made a little more explicit in three directions. The first of them is the bearing of government, at any one moment, on civilization. Civilization stands for the aggregate social gains of a community, the ways and degrees in which the terms of life are present to the life enclosed by it. The value of civilization is assumed in the very notion of development, and civilization is a convenient external measure of development. When one doubts the value of civilization, he simply raises the question whether human life does not baffle itself. It may, in single directions and for short periods; but life, real life, is the measure of all good.

That government is rightful which gives the best attainable civic conditions of civilization, with the least restraint on the citizen, and with his largest participation in the common control. The first consideration, the best conditions of civilization, is the supreme one, and involves the others. The restraints imposed and the participation allowed are to be judged in connection with it. The character of the people, the character of rulers, the circumstances under which both are acting, define the attainable. Nothing is absolute, all is adjustable. Statesmanship lies in seeing the highest possibility, the point at which the desirable and the actual hold each other in equilibrium.

A second test of rightfulness in the state is that it

1. Take, please; who therefore plural; people singular.
 2. Its, singular, referring to who (plural?) singular, common.
 3. Its / a thing, not a person, referring to who - plural?

confers the largest possible liberty. Liberty is to be understood only in connection with powers. It has no significance except as giving play to powers. The largest liberty in the state means the greatest aggregate of powers in its citizens. These powers are individual and collective, those which pertain to each citizen as a man, and those which pertain to him as acting with and through his fellow-citizens. These two are very distinct from each other, and may be in a measure in conflict with each other. They are capable, however, of a reconciliation which yields the largest liberty. The soldier owes much to his individual endowment, he also owes much to his discipline. Either of these two terms of highest power may be sacrificed to the other, and both will be united in the best product. The nation cannot win strength aside from the freedom of the individual; no more can it win the largest strength aside from its own organized action. There is precisely the same necessity for developing collective, as for developing separate, activity. The moment the one is sacrificed to the other, there is a loss of powers, a loss of liberty. Skill in acting together is a high attainment, as is also the ability to act alone. Each must be judged in its relation to the other. Individual power will soon find its limits without collective power. Each gives occasion to the other.

3

A third criterion of good government is such a conformity of the restraints of law to existing moral sentiments as to give the best conditions of moral development. Ethical progress means the unfolding of those insights and feelings by which men's relations to each other in conduct are defined. Civil law, as a pri-

three 3
reason.

mary form of restraint, should run parallel with the laws of conduct. When any form of action so interrupts ethical relations as to prevent their extension, the community may, in defence of its higher life, prohibit it. One test of the state thus becomes an adequate protection of its ethical life. These defences will be often shifted with the progress of events. As rights of property and person become more complex and supersensuous, new definitions of these rights are in order. As the network of social dependences becomes more extended and delicate, a corresponding watchfulness is called for to prevent its entanglement by the careless and wilful. It is not a moral duty that is enjoined, but the security of moral action that is maintained. The state, in suitable protection, is not appealing from moral to physical forces as motives of action, it is simply sheltering moral incentives from the trespass of physical impulses. Society is not an open common in which profane feet are left to tread all plants into mire; it is at liberty to set up suitable safeguards for every good and beautiful thing. Such limitation, wisely laid, far from reducing the liberties of men as one whole, will steadily enlarge them. That which is won is always of more moment than that which is lost. Society, acting in obedience to these tests of rightfulness, adapts government to its wants, and brings its wants, one after another, within the safety of the state. The test of civilization is the more palpable and primary one, the test of liberty the more personal and stimulating one, the test of ethical temper the more fundamental and inclusive one.

1.
2.
3.

§ 4. The rightfulness of the state, turning on the fulfilment of functions, opens the inquiry, What are these

$\left. \begin{array}{l} 1 \\ 2 \\ 3 \\ 4 \end{array} \right\} \text{defence.}$
 298 5. — aid. CIVICS.
 6. — expression.

functions? Here the apparent diversity of opinion is great, greater theoretically than it is practically. The

1. first purpose of the state is defence, the second to confer aid, and the third to become a means of expression
2. of collective power.
3. The preamble of the Constitution of the United States embraces them all. "To form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." The first four objects pertain to protection, the fifth to rendering assistance, and the sixth to those innumerable ways in which a great nation builds itself up in strength. Social theory cannot proceed without some adequate idea of the purposes of civil government, and of those dependent interests which nestle in safety under it.

Those who confine government to protection lose sight of how much is involved in protection, and of how inorganic a community remains under a restricted application of this idea. It is a gross misconception of protection which confines it to person and property; and even on this basis the advocate of *laissez faire* forgets at what remote points physical danger often appears. Intoxicating drinks are sold by a publican to an inebriate. The forms of personal liberty are preserved in the transaction itself, but disappear utterly in the second stage of results involving the wife and children. The protection which a state is bound to extend to its citizens cannot be settled by the apparent color of one in a series of acts, cannot be gauged by the powers of an adult, but must provide a safety which pervades the entire community and pre-eminently

shelters that portion of the community which is most helpless; it must be a safety which makes life safe and enjoyable. The protection of person and property is exclusively for this higher safety, which is found in them and beyond them. If the advocate of protection will set himself the task of protecting, not the strong but the weak, not the rich merely but the poor also, not the adult but the child, not in body only but in mind also, he will find that his doctrine loses at once its seeming simplicity and adequacy.

In protection, superficially applied, there is no organization, no more than in a crate of eggs, each in its own cell. Government ceases to be an organic force, and becomes more and more a mechanical one. If this office of government were accepted simply that room might be given to deeper and more ethical forces, the theory might seem admissible. But in this form, experience is at war with it. The deeper organic processes are arrested, not aided, by the absence of the more superficial ones. Government, if it is to work with organic forces, must itself be organic. The division of duties between it and personal activity is not mechanical, but one in which each portion nourishes and aids the other. As the rough bark or the thick skin shelters all the vital processes beneath it, so civil law brings safety to spiritual life, and divides anew its functions with it.

But protection is absolutely inseparable from aid. Aid is often the most direct path, and at times the only path, to safety. If we direct our attention to safety within the state, we encounter at once the problem of pauperism and crime, a problem that never has been

met, and never can be met, by coercion simply. The prosperity of the entire community, in all its interests and all its classes, is contained in it. A community that by virtue of its economic and social structure is perpetually pressing downward into pauperism, and throwing outward into crime, a portion of its citizens, can never be protected in property and person against these dangers. The strong city of Rome charged itself with the expense of a sturdy and restless proletariat because it had not sufficient organic force, sufficient health in the body politic, to prevent this accumulation of unassimilated elements. It is rolling the stone of Sisyphus, for society to struggle after safety without correcting the causes of which danger is the result.

Nor is the case materially different when a nation seeks protection from foreign enemies. The safety of a nation is its interior unity and strength. To build a people together in power within themselves, to familiarize them with all forms of concerted and patriotic action, to unite them in their purposes and make them aidful to each other in their pursuits — this is to make them safe. Without this unity the munitions of war become weapons they cannot wield. A nation, in its national capacity, must regard its collective interests, its constructive relations, or lose its true footing. The unharmonized energies of individuals are first divisive, then belligerent, then anarchichal. This is merely saying that a nation stands or falls as a nation by virtue of its organic force.

It is becoming daily more evident that a nation, to be united, must gather up more completely, and use ever more deftly, its collective resources. All things here

are incipient. The lessons of union have most of them still to be learned. The common life is in search of its true incentives, its safe methods. Yet the state has done enough to show that more may be done. The post-office as a means of national affiliation and intelligence, bending its service equally to the rich and the poor, the near and the remote, carrying every man's message, every man's paper, every man's bundle, everywhere at a nominal cost, is a magnificent expression of the common life. Slight failures do not abate the force of this assertion. It is the very success of our effort which has made us thus critical. No more do the victories of private enterprise diminish our satisfaction. These enterprises have sprung up under the shadow of our common life, and have owed to it much of their efficiency and sense of responsibility. Let the general life be weakened, and these special forms of it will become correspondingly wayward. The telegraph with us ministers much less to the democratic temper than the post-office, and would be still more exclusive were it not for this undeniable proof of the possibility of cheap and general service. Expression — the embodiment of the power of a people in its social and political institution — is the natural completion of protection and aid.

We regard, then, protection, aid, and expression as the inseparable functions of the state, each assuming that form only in which they are the safeguards of individual enterprise. This they can easily be, and so become not competitive, but concurrent, forms of activity.

§ 5. If we have correctly apprehended the office of the state, its historic evolution will confirm the view.

Its ever-enlarging functions, the greater frequency and definiteness with which questions of rightfulness return to it, reveal the fact and the nature of its development.

There are four social periods connected with the history of government: the primitive period, in which the ties of consanguinity are uppermost, a period of weak, incipient, civil bonds; the military period, in which tribes and races begin to combine under the pressure of force, civic dependencies asserting themselves in a simple arbitrary form; the industrial period, one in which a great multiplicity of social ties appear both to soften and broaden the restraints of government; and the social period, a period in which all the manifold forms of our communal life are present, the state outlining and maintaining the more essential dependencies. These four periods involve three transitions. The first is from the relatively inorganic to the more organic, from feeble personal liberty to national strength. The growth in this stage is toward authority, as an essential organizing force. The second transition is within the limits of the state from collective to personal development. The growth is from simple authority to complex liberty. Industry and commerce require and secure freedom. They magnify the power of the individual. Varied industry and the liberty associated with it first spring up in cities, where the collective life awakens the individual life and shelters it. The industrial community has always a predilection for free institutions. The third transition, which we are now struggling to make, is one which strives to reconcile these two terms of authority and liberty, communal and personal strength, with each other, as both necessary to the highest organic life.

Social growth is rhythmical. It is dominated in turn by ideas held in excess, but corrected by each other. Society moves forward like some heavy body propelled by inadequate forces. Now one point, now another, is made the pivot of motion, and each part in turn swings forward. The two ruling ideas under which society zigzags onward are collectivism and individualism — first the development of society as one whole, then its development through its constituents. The relation of the two is of the same direct and simple order as that between the general life and the specific organs of the human body. Specializing processes and organizing processes are correlative parts of one movement.

Whether a particular period or a particular person will be found emphasizing personal liberty or national life, will depend on the current phase of progress, or the predilections of a given mind. Extreme individualism, as represented by Mr. Spencer, is just as much a fragmentary and mistaken tendency, as is pure socialism, represented by Marx. Personal liberty cannot thrive save under the shelter of society. Socialism, as mere mechanism, would fall to pieces at once, unless its parts were knit together by vital personal attachments. The movement of society is so slow, is one of such slight gains at many times and in many places, simply because the organization which expresses vital impulses and the vital impulses which sustain the needed organization are begotten together, with many actions and reactions. If the swing of our heavy body is continued too long on one pivot, it is thrown out of the line of progress.

Those who satisfy themselves with emphasizing personal liberty have only a narrow outlook over liberty

itself. Tyranny is personal liberty, but not wide personal liberty. Liberty in the individual is always liable to come into contention with individual liberty, and the two can only be harmonized and fulfilled under restraints assigned and powers conferred by the general welfare. It is not sufficient to say that each man must be granted a liberty consistent with a like liberty in his fellow-citizen. This is only a *quasi* organic result. Each citizen must be strengthened by the strength of every other citizen.

Those who turn their attention primarily to organic methods forget that these forces must arise from within, rather than from without; and, no matter how secured, can be of no possible value save as a medium to personal power.

It is just as much an achievement in the progress of the race to develop new organic power, to act together wisely, honestly, patiently, as it is to disclose individual enterprise. The one, like the other, comes slowly, tentatively, in correlation with suitable conditions arising from the opposite quarter. We shall never be great as a nation by decrying nationalism, nor safe as a people by overlooking the safety of any feeble person.

The struggle must go forward between collectivism and individualism, because they both express a real want, constantly follow each other in mutual correction, and are ever taking on new adjustments. The deepest ground of this conflict is that society develops, as we have said, along the line at which causes and reasons interact. Causes stand for existing forces which must be satisfied. He whose attention is turned to causes is ready to accept as a general aphorism, "What is, is

right." The present form corresponds to the facts involved. Reason, on the other hand, calls up ideals that ought to be fulfilled. Looking onward toward these possibilities, the eager mind affirms, "What is, is wrong." The facts are forever falling behind the developing ideas. The conservative stands with causes, the radical with reasons, while society, responding to both, struggles to unite them in a movable equilibrium. It is strange that an evolutionist should overlook the fact that individualism, a specializing process, must lose its unbroken line of development, separated from organization, which renews its relations and opportunities. Social growth involves a slow and painful synthesis of many contending forces; and it is the office of Sociology to discuss the principles under which this takes place, and point out the centres of formation. It is the office of the state to so adjust the primary compulsory conditions of order as to give liberty alike to individual and to collective action, and to maintain the poise between them of a progressive movement. Sociology, as the wider outlook, is interested in all the circumstances which give occasion to these readjustments, in the slow, tentative ways in which they are accomplished, and in those ideas which bring the entire process, correlated with other social processes, into the light of reason.

CHAPTER II.

DEVELOPMENT IN THE DUTIES OF THE STATE.

- § 1. THE state keeps step with society in normal
1. growth, by a wise performance of its recognized duties;
 2. by enforcing new duties between citizens; by itself ac-
 3. cepting new duties; and by an increasingly just exercise
 4. of those rights which belong to it. We shall speak of each of these in order.

*l. 364.
p. 401.
p. 422.*

The ruling idea under which the state, in rendering its own duties to its citizens, is to be judged, is justice. All accept protection as the first duty of the state. No other duty can be well rendered without it. While the earliest and most pressing danger to the state may arise from without, the chief function of government, as it becomes permanent and comprehensive, is to maintain terms of concord and strength between its own citizens. All safety hinges on success at this point. The pre-eminent civic virtue which this service develops is justice. Justice primarily pertains to the administration of civil law. It means conformity to the law in imposing duties and protecting rights. It implies equity, equality, between citizen and citizen in the presence of the law. The law is made the sole ground of judgment between them. Thus far justice assumes the law to be right, and has respect simply to its honest enforcement. But the law itself may come under discussion, as just or unjust. The law, in turn, must be defined by its relation

to the public welfare. That law is just which is ordained in direct, exclusive, and wise relation to the common weal. Here, again, equality is present, treating all citizens alike, in strict subordination to the one purpose, the collective welfare.

But as men are not equal in native or in acquired resources, nor in the powers which fall to them by virtue of position, the state cannot treat them, in ignorance of these facts, as identical units. Hence has arisen the subtle and confusing conflict between the equality involved in justice, and the innumerable and unavoidable inequalities inherent in men's social relations. Some, grasping at an eternal principle, have affirmed that men are by creation equal, and are possessed of inalienable rights; others, equally impressed by the fact that society in civil procedure is, and forever must be, placing its citizens in very diverse positions of advantage, are ready to regard the above assertions as vague formulæ, "glittering generalities." There is so much truth in each of these views as to make it no small part of the duty of practical statesmanship to discover the lines of reconciliation. The penetrative and progressive impulse is that which clings to the notion of equality, and is ever in search, amid all the confusion of facts and of men's conflicting claims, for its safe application.

The English and French differ at this point in their civic philosophy. The English define equality by liberty. Liberty is with them the primary idea, and equality makes what shift it can under it. There is a growing liberty, but a liberty that does not make haste to equalize the advantages of citizens. The French aphorism is "Liberty, equality, and fraternity." Liberty must lead

to equality, and equality must issue in fraternity. The French philosophy is the more coherent of the two. The English philosophy is the more practical, and, supplemented as it has been by many other favoring circumstances and impulses, has shown itself steadily progressive. Yet English social life has admitted, with no sufficient sense of wrong, for long periods a sweeping tyranny of classes — as, for example, the tyranny of landed interests at the opening of the present century.

There can be no sound philosophy of society which does not aim at the reconciliation of the idea of equality — which underlies the notion of justice, and is increasingly developed with that notion — with the inequalities which prosperous life is ever bringing to the surface in so many ways. Yet no reconciliation can be precise and final, because these inequalities are forever variable, supply most of the incentives to progress, but, in excess, tend constantly to put an end to their own beneficence. Moreover, the inequalities in opportunities among men are also constantly shifting their ground, and need to be renewed in some fresh, vital way. The idea of equality is ever forecasting some expression of itself more intellectual, more spiritual, more a formula of the inner life, and less an impossible and barren weighing of civic situations with each other. The notion of equality in the state keeps the feet of every man and class of men firmly on the ground, so that they can go forward if they will. It renews, with every successive generation, the possibilities of life.

Spencer, whose hold at this point is vigorous, defines the two in this way: "The equality concerns the mutually limited spheres of action which must be main-

Heaven
tained if associated men are to co-operate harmoniously. The inequality concerns the results which each may achieve by carrying on his actions within the implied limits. No incongruity exists when the ideas of equality and inequality are applied, the one to the bounds and the other to the benefits."

Carefully as we may render these two notions, positively as we may insist on them both, our practice under them must still stumble on as best it can, in an atmosphere much obscured by the false renderings which men in classes are ever making of their duties to each other.

Under the figure which has so often aided us, the growth of society is a movable equilibrium achieved between these two impulses, justice, by which men seek and demand equality, and enterprise, by which men strive for the full possession of their own powers. The French philosophy is wise in implying that there is no adequate adjustment of these two impulses off a moral basis, expressed as fraternity. This civic equilibrium ultimately resolves itself into the larger equilibrium between the self-seeking and the altruistic impulses. As ethical sentiments find their way in society, the good of all and the good of each fall into step. It is this very harmony which is the primary subject of consideration in Ethics. The force of the ethical law carries with it the possibility of this civic equilibrium. In other words, we come back to a test of rightfulness in the state already given, the correspondence of law with ethical impulses. Equalities and inequalities glide together under the ethical law, the controlling law, of our common life.

The actual condition of things at any one moment in this contentious development of the state is this: certain possessions and advantages have been acquired by different classes of men under custom and law; and the state, in its protective office, is simply watching over these individual powers. The notion of equality is reduced to its lowest terms, and means merely that the existing form of order is maintained, that none are allowed to trespass, in any unusual way, on their fellows. Society is thus stereotyped by law, and the notion of a movable equilibrium is lost. It is as if we should declare a race, and allow the contestants to start from any position of advantage they might chance to occupy.

On the other hand, to assign terms of equality to every citizen arbitrarily, and to maintain them by law, is to set aside the personal powers, the truly vital forces, by which society advances; is to bring to nothing its incentives to action, one and all. The higher ethical motives can alone find play with the self-interested ones. The disposition to help must accompany the power to help.

What society ought to do is to let that which is unequal in the individual play under and with that which is equal in our communal life, and out of the two tendencies secure a growing spiritual equilibrium of goodwill. The lower impulses cannot be balanced otherwise than with the higher ones. Sound Civics means sound Ethics. As in the race we give, and are careful to maintain, equal terms for diverse powers as a means of disclosing their inequalities, so should we in society assiduously renew to all their opportunities, that under them their powers may become the more pronounced.

Protection in the state thus involves a constant effort to give all alike advantageous terms for the expression of power; is united with a diligent effort to correct all inequalities which tend to become permanent, and, by so doing, to anticipate all farther development. Development, leading to still greater development, is the ruling idea. The practical difficulties, owing to the fact that each achievement must be made to prepare the way for another achievement, are great, but by no means insuperable to wisdom and good-will.

This we hold to be the primary function of good government, not the maintenance of rights already won, the safety of actualities, but the renewal, in each generation, of opportunities, the safety of potentialities, the setting in order of a new race. Protection of the first form, without the second, will slowly turn government into an extended tyranny, the result of powers that, once for all, have won the lead. The philosophy of Civics is dynamical, not statical. Government can fulfil its purpose only by a perpetual expansion and adaptation of that purpose to the wants immediately before it. The power to grow is its true test.

We have occasion, under this notion of justice, to discuss Civics, not as a compendious statement of fixed principles, but as an ever more vital expression of those relations which knit men together in the progress of events. As in the body of man, so in the state, decomposition and recomposition are the inseparable parts of one continuous process.

§ 2. There are three general forms of law, — constitutional, municipal, and international law. Constitutional law is made up of the customs and enactments which

p. 313.
p 474

organize the state, defining rulers and the relation of rulers and citizens to each other. Municipal law is the law which the state itself frames; it defines the relation of citizens to each other. International law is one of accepted customs, and lies between states and between their citizens. Constitutional law forms the state; the state forms municipal law; and states accept international law.

Under that very obdurate tendency of the human mind which attaches disproportionate importance to forms, constitutional law receives more than its share of attention. There is felt to be a virtue in constitutions which is not in them. Constitutions are of moment, first, in the discussions to which they give rise as to the rights of men and classes of men, and, second, in the phases of municipal law to which they may give occasion and in which they find completion. That a marked change in the organic law of a state is sure to introduce a new era in the administration of law is a common illusion. Our States have often endeavored in vain to remedy the weakness of municipal law by carrying inhibition into the constitution. The formal freedom of our institutions has often served to hide from us very flagrant faults of administration. A citizen of New York City may be mocked with an empty semblance of self-government, while he pays heavier taxes for less returns, and secures less safety for his personal rights, than fall to most civilized men. No European state to-day discloses more public and private disaster, as the fruit of defective and faulty legislation, than our own country. The simplest economic problems have been hopelessly perplexed, and classes have

fallen into a bitterness toward each other which has often brought them to the verge of anarchy.

The eighteenth century in English history, when the free constitution of England was taking on some of its most striking features, was one of iniquitous municipal law. On the other hand, since the Reform Bill of 1832, which gave the first marked reconstruction of representation and extension of suffrage, municipal law has been enriched and extended by much humane legislation.

A free constitution is an opportunity rather than its fulfilment, and may easily date an era of decline. Constitutional gains are of moment, according to the uses to which they are put. The telling strokes of law are those which define the relation of classes to each other. It is not the house that makes the household. The interest of constitutional law is found in the impulses to which it is actually giving play. We have suffered immensely from the idea that liberty alone is a panacea of human ills; it serves rather to let loose all the tendencies, evil and good, that may chance to be in the community.

1. § 3. Municipal law has two forms, judicial law and
2. statute law. Law is a rule of conduct enforced by the state. Judicial law covers the rights and duties laid down and enforced by the courts; statute law, the rights and duties laid down by the legislature. The origin of the two and their method of development are very diverse.

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p. 474.*

1. Judicial law arises in the administration of justice, and is an expression of the principles which gradually find recognition in the judicial mind. The coherent, corrective, constructive, thoughts of men, through successive generations, hardly gain elsewhere so grand an expression

as in the great systems of law. Theoretical force and practical fitness culminate in them. A series of the most able men, instructed in a wide theoretical and practical way in the maxims of justice, and corrected constantly by the presence of urgent and conflicting interests and acute advocates, have adjusted their decisions, in a conservative spirit, to the wants of society. It is not strange that such a system of law, as the Common Law of England, identified through many centuries with the civic growth of a great nation, should have an overwhelming power, and, like a mountain range, settle the lights and shades of an entire region. Nowhere else is theoretical truth more directly guided by practical wants. Nowhere else are practical wants, in their adjustment to each other, over large surfaces and through long periods, more restrained and instructed by the steady light of general principles. The judicial decision is rendered on the ground that it declares the law as it now is. This, in most cases, represents the fact. But the significant points in law are not those which fill in the spaces already defined, but those which alter or enlarge the lines of definition. Judicial law is a steady growth, and this growth involves a readjustment of the maxims of law to variable and increasingly complex facts. Hence the great jurist is one who most clearly sees the need of change, puts it in the closest connection with the past, and gives it the most fitting form for the future. Divided authority, new circumstances, deeper principles, may call out that constructive insight by which facts and theories are once more put in accord and made to keep step in the pageant of history.

The great difficulty in judicial law is found in main-

taining this balance between coherent logical processes and the variable human wants which arise under them. The drama of reform is rehearsed in the court-room, too often with the inertia of persons, place, and profession against it. Hence it rarely happens, when a new social interest begins to push, that it meets recognition and guidance in the judicial system. It is much more likely to encounter harsh repression. Thus the combinations of workmen are still put down under common law, as restrictive of the freedom of trade, and are only partially rescued by statute. The safeguards of commerce have grown up in advance of those touching social progress. The courts are ready to enforce on railroad employees the duties which attach to carriers, but have not discovered adequate methods of sheltering the men who are subjected to this pressure of commercial claims. A great mass of law and of methods in the administration of law, fitted primarily to past necessities, are present to make the decisions of our courts unduly conservative. It becomes a great labor so to quicken the slow pace of judicial thought and procedure as to make them respond to the general welfare. As religion accumulates a great mass of indigestible dogma, which it can neither carry forward nor abandon, so jurisprudence heaps up lore which, like the wealth of misers, is of little worth till it is scattered again.

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§ 4. Statute law is the chief means of breaking in on judicial law, and expresses the more progressive and reformatory temper. The legislative body comes more directly from the people, is charged with the task of correcting existing evils and introducing new methods. Statutes come in as the direct means of breaking away

from the old ways laid down in judicial law. There is, therefore, from the outset, a liability of collision between the two. The statute is quite likely not to be framed in thorough recognition of existing law, or with sufficient knowledge of the ways in which, with least disturbance and most effect, it can be shaped to a new service. The statute expresses the temper which hopes to work immediate and adequate reform, with only a slight recognition of the principles and predispositions which have long ruled human affairs. The statute thus, too often, lacks insight and comprehensiveness.

But statute law, in its execution, comes, in turn, under the judicial mind. The judiciary, by virtue of professional training, by virtue of a reverence for the principles of law fostered by a wide experience of their beneficence, is indisposed to accept any material change. Hence the reformatory statute, instead of being rendered independently and constructively under its own intent, is likely to be narrowed in interpretation, and straitened in use by the very spirit and methods with which it was intended to break. The two parts of law do not arise from a harmonious purpose. The bodies from which they spring have not the same knowledge nor the same sympathies. They are resistful to each other in the temper they express, and the methods they employ. The legs of the law are unequal, and it has a limping gait. Our municipal law is not the product of a comprehensive view, taken from a commanding position, over the past and over the future, but of two views of unequal distinctness, and but poorly reconciled with each other.

§ 5. But defective as is the theory of the law, it is

much superior to its practice. While theoretically it often seems to be the fulness of human wisdom, practically it seems as frequently the fulness of human folly. At no point is the one cardinal truth, that society is dynamical, progressive, and that any perfection of parts which is not each moment corrected by an organic movement is wholly futile, more distinctly seen than in the comparative failure of the most admirable principles of law when administered in a technical, unphilanthropic temper. Law, in its daily services between citizens, should be speedy, cheap, certain, and just. Any perfection of theory which does not issue in these qualities is a virtue quite in the air. Yet the very naming of these four qualities is an instant exposure of the law as a practical method. The law in its administration is slow, costly, uncertain, and unjust. Few would think of denying the first three; some might halt on the last. But if the law is slow, costly, and uncertain, it is thereby unjust. Injustice means an unequal distribution of civic awards between citizens without reference to the public welfare. Judgments that are slow, costly, and uncertain are beyond the reach of the poor, judgments that bring them little or no protection, judgments of which the rich can easily avail themselves as a means of persecution and intimidation. The law, instead of quelling strife, may become a primary method of strife, a field to which those resort who have any malicious intent. Delay, costliness, and uncertainty, instead of expressing the patient, laborious way in which justice is finally attained, render justice impossible. Justice that is unduly deferred can by no possibility be justice. In many cases, perhaps in the majority of cases, the methods of

justice are so faulty as to more than compensate, in the time, labor, and money involved, any ultimate success.

This happens because the law refuses to readjust itself to new conditions, and slowly accumulates the impedimenta of periods worse than our own. We are compelled to endure modes of litigation which no longer express our best temper. The attack and defence of law grew up in a violent and contentious time. Law was cautious, stubborn, technical warfare, substituted for open violence. The citizen could no more assume a disposition in his fellow-citizens — or in the courts — to render justice in a simple, direct way, than he could in an angry out-door quarrel. The delays, subterfuges, and technicalities of legal procedure are as much parts of a belligerent system as the parry and thrust of defence.

In settling to-day simply personal and property rights, we may be called on to fight through the entire code of a mediæval duel. Admirable as a method of procedure may be, looked on as a manual of arms, where nothing is to be conceded and everything is to be claimed, it is in a like degree false and futile when employed as a means of settlement between relatively peaceful citizens, who have not the same view of their rights. Law in its administration grew out of the most bitter and unconcessive temper possible; and it retains much of that method, serving only to inflame a passion that would not otherwise be present.

It is impossible, under such conditions, that law in the person of its judges should be a wise, patient, benign presence, rebuking the wrong-doer and extending ready protection to the weak. Such a notion is so ideal as to

be fanciful. The oppression of the strong reappears in the administration of the law, and not infrequently finds it the safest and most effective weapon. "A fish hangs in the net like a poor man's right in the law; 'twill hardly come out."

This fact, so palpable in itself, is hidden from us because the process by which it has been reached has had an inevitableness and subtilty which seem to put it beyond criticism. We are unable to pass on to that which is better, because some of the old passion is with us, because we abandon with reluctance these familiar and ingenious devices of allaying strife, — as we are still determined to think them, — and because we are afraid of losing our way in a simple search after righteousness.

§ 6. The miscarriage of justice is frequent, and occurs in a great variety of ways. Here is a single example. The Jump River Lumbering Company, by the roughness of the railroad used by it in logging, by the inadequate manner in which the logs were chained to the platform cars, and by obstructions left in the immediate neighborhood of the track, gave occasion to an accident which utterly crippled a brakeman, Mark Haley. He prosecuted the company in the Circuit Court of Columbia County, Wisconsin, and obtained a verdict for \$15,000. The case was carried by appeal to the Supreme Court of the State, and the verdict was set aside. The ground on which this was done was the instructions given by the judge to the jury in the inferior court. These, it was held, were not accurate under the law. There was nothing to show any injustice in the verdict, or that it would have been in any way altered by the amended instruc-

tions. The decision rested simply on the fact that the judge had failed in the perfect performance of his duty. This result was reached by the Supreme Court in presence of the facts that the plaintiff, entirely ruined in body, was the owner of no property, that his aged mother was poor and unable to support him, and that the probable result of the action of the court would be to send the plaintiff to the poor-house, and set free the company whose negligence had occasioned the injury. Under his failure to maintain his suit, the plaintiff was charged with the costs of appeal, \$550. The law required that this judgment should be paid and the case be brought on for a new trial within one year, or the complaint be dismissed. The plaintiff had incurred a debt of \$800 in the first suit, and was wholly without the means with which to renew his effort. Thus a poor man, grievously injured, to whom the jury had awarded \$15,000, was robbed by a strong company of all means of redress, with no fault on his part, simply by the defective character of the law. It matters not in the least whether the decision of the Supreme Court was technically correct or incorrect, it issued in the grossest injustice. We have here a fact of frequent occurrence in the law brought distinctly out, that formal correctness is made to take the place, in men's minds, of actual justice. The methods of the law were such as to easily lend themselves to a fresh wrong, and did lend themselves to it. Under them a poor man had little chance of redress in the presence of a powerful adversary. The law united with the oppressor to crush the weak. The more completely this result was legal, the more perfectly was the law condemned. The injustice became the direct consequence

of the law itself. If we were to follow the law minutely, in its administration, we should find it offering itself constantly to the rich as a means of oppression. Is there not great moral weakness in regarding this practical failure of law to do its work as in some way necessarily involved in its theoretical completeness, and to be accepted in silence on that ground?

The law also offers examples of most despotic penalties. William McNair of New York City was sentenced to four months imprisonment and a fine of \$500 for sending to Senator McClelland a postal with these words: . . . "Permit me to ask you in reply, Did you ever earn an honest dollar in your life? If you have, you should be ashamed of yourself, as a public servant, to make use of such language against the unfortunate and honest railroad employee, whose interest is centred in said bill. May I ask, How much have railroads promised you for such action? No doubt you will reply and say, 'It is none of my business.' But later on it will be my business." The card was drawn out by the assertion of Senator McClelland that a bill, making ten hours a day's work, came "from labor tramps who do not want to work." Just now Judge Woods, at Chicago, has sentenced to imprisonment persons for contempt, whose action had no connection with the court over which he presides. He first gave to his own injunction the force of a general statute, and then, of his own will, with no trial by jury, committed the offenders to prison. He has thus extended the most peremptory power which a court possesses over the entire community.

§ 7. The remedies of these evils, wrought deeply into the administration of law, are incomplete, indeed, but

are capable of repeated application. There should be the means, in connection with legislation, of harmonizing statute law and judicial law, and reducing the collision between them. The legislature and the judiciary should not be bodies opposed to each other by their antecedents and by their present relations, but should find in a judiciary committee a common ground of consultation. The legislature needs to be impressed with the weight of permanent principles, and equally does the judiciary need to feel the constant occasion there is to reshape the law to the changing conditions of life, and to bend it anew to the simple end of justice. It is now impossible to tell how far a wise and beneficent purpose, on the part of the legislature, will be able to complete itself, on account of the embarrassments the law may encounter in the courts. Not till a law has been subjected to extended judicial interpretation and administration do we know what will come of it. The remedy is vague; but it is vague because the difficulty is profound, and must find its final solution in an improved social temper.

Courts of conciliation should be greatly extended. If any man wishes to know the law in order that he may obey it, — and there are many such, — he should be able to secure its announcement in an authoritative, speedy, and inexpensive way. It is a shame that the only alternative open to a good citizen should be to waive his rights, or to pursue them by litigation, ruinous alike to his feelings and his interests. The law is primarily constructed for litigation; it should be primarily constructed for conciliation. The means for strife, issuing in accumulated and irremediable wrongs, are abundant; the means of preserving one's own rights, with a circumspect

attention to the rights of others, are few. The law provides for disobedience rather than for obedience. Courts of arbitration should be multiplied, and additional authority given them. If any alleged wrong lies between citizens or classes, it should be the right of either party to secure a decision by a competent tribunal. If a verdict thus secured is disregarded by either contestant, it should then become the right of the other contestant to have an action for any damages which may follow this disregard. Our present method is to fight out a quarrel, and extend and prolong it as much as possible by the instrumentality of the courts. Thus, in the Homestead affair, the law showed very little conciliatory or mandatory power. It was now here, now there, as the sagacity of counsel and the wealth of clients enabled them to draw it after them. Suits were commenced by the hundred which fell to the ground when the anger of the parties had grown cold.

The law should be repeatedly codified in favor of a more certain and speedy fulfilment of its purposes. The need of codification, from the immense volume of common law, from the diverse tendencies which lie latent within it, and from the earnest need that it should yield itself in new ways to the wants of society, has become increasingly plain. To refuse it means to accept great evils as without remedy. Judicial law is of such bulk and such diversity as to place it beyond any man's acquisition. In matters at all complicated, there is no certainty as to what the law is, or what, under judic-
/ . tion, it will be declared to be. A lawyer, when he gives counsel, assumes a risk, and then puts forth his utmost effort to make the results respond to his predictions.

The degrees of esteem in which lawyers are held turn as much on their sagacity in supporting their opinions as on their wisdom in giving them. The digests of law relieve this evil in a very inadequate way. "The American and English Encyclopædia of Law" is expected to reach twenty-eight volumes, and to contain 700,000 cases. There were recently advertised 230,000 jackets — envelopes containing the leading cases bearing on a given question — the results of the effort of a single lawyer somewhat to simplify his labor.¹ "England is the one country in western Europe where it is most difficult for a man who is not a lawyer by profession to have any clear notion of the law he lives under."²

It is true that codification is more successful in its apparent than in its actual results; that differences may be overlooked or obscured by it which must be restored again in practice; and that its concise statements will begin at once to bring new renderings and show fresh divisions. But this is only saying that an effort for simplification must be wise and long continued. The need is not shown to be less, but the labor in meeting it to be greater.

2.

Not only is the law in its present forms beyond any man's knowledge, it is not in itself well defined and consistent. If it were, this immense volume of precedents would shrivel up at once, its parts being repetitions of each other. The law is a great seed-bed, yielding many diverse germs. It is the variety of choice offered in initiatory ideas, and in the reconciliation of subordinate ones, which is the occasion of uncertainty and delay.

¹ "Law Reform in the United States," D. D. Field.

² "Jurisprudence and Ethics," Frederick Pollock, p. 63.

Out of diverse principles, scattered confusedly through an immense number of cases, there arises the possibility of reaching and defending very different conclusions. "The law of property is in fact so intricate and confused that not only no lawyer can understand it, but it is almost impossible even for experts who do understand it to translate it as it stands into anything like plain English."¹ It is certainly absurd, looked at in any common-sense way, for the law to be thus hidden in its primary meaning by its own accretions. It is a fatty degeneration of the heart which threatens life.

3 Nor is the third reason for codification and repeated codification of less moment. Statutes, reformatory in temper, corrective in method, new in principle, are added as authoritative terms to judicial law. Judicial law must take kindly to them, and cheerfully accept the new direction, if these statutes are to subserve their purpose. Not only must the dominant ideas of justice be coherently developed in their own field, they must accept the corrective and correlative ideas which are arising from the altered relations of men in society. A principle which defines a property right may, in its development, come in conflict with personal liberty. Codification aims to reconcile judicial decisions with themselves and with statute law, and to render the joint product a concise statement bearing directly on the public welfare. A benevolent and practical temper, understanding what it has to do and determined to accomplish it, takes the place of a professional and technical one, pleased with the ingenuity of the web it

¹ "Jurisprudence and Ethics," Frederick Pollock, p. 74.

weaves, but forgetful of the weak who are hopelessly entangled in its meshes.

The consequences of this voluminous development of the law are most painful and stultifying. Said D. D. Field, "No other civilized community takes so long a time to punish a criminal and reach a decision between man and man. Justice passes through the land on leaden sandals. Yet we have 70,000 lawyers, 1 to 909; France 1 to 4762; Germany 1 to 6423. American lawyers talk more and speed less than any other equal number of men known to history."¹ The Tilden will may be offered as an example of litigation ended at length by a single voice. The case came before eleven judges; six were for the decision which set aside the bequest, and five against it. It was in the process of determination from March, 1888, to October, 1891.

Many of the most important decisions of the Supreme Court are those of a majority, and on critical questions have not been in successive years consistent with themselves. Certainly, to settle what the law is, is properly antecedent to administering it. It is hardly fair, dealing with plaintiff or defendant, that he should suffer both the penalty of the law, and the costly litigation by which the law itself is declared. The ideal which plain men would seek for has been given — "laws easy to be understood, a judiciary honest and independent, a fearless bar guided by law and conscience, every suit ended within a year."² Is this statement of the desirable so excessively ideal as to be beyond effort?

§ 8. Of equal practical moment with the simplifica-

¹ Quoted in Perry's "Principles of Political Economy," p. 206.

² "Law Reform in the United States," D. D. Field.

tion of law is the simplification of its administration. When justice is hard to be obtained, the forms of procedure are of as much moment as the claims prosecuted under them. In early, rude periods, complex customs are a safety more than an embarrassment. The professional temper, nourished by this fact, comes to attach the same importance to the method of the law as to the law itself, nay more, as the method often baffles the law it administers. The past thus becomes an intolerable burden to the present. A better disposition finds no way of expressing itself. A simplified code of civil procedure was, with much opposition, adopted in New York in 1848. This movement has slowly extended to the majority of the States. It was not till 1881 that New York accepted a corrected code of criminal procedure.

The division into States, while it has brought with it in a high degree the blessings of local government, has also involved much confusion in law. For purposes of intercourse we are a single community, but this intercourse takes place across boundaries of law that might belong to distinct nations. The original States had diverse tendencies, and each section has been tenacious of its sectional life. Local impulses express themselves in laws which needlessly complicate the common development. There is no well-defined boundary between general and local laws, laws which the States should possess in common and laws by which they express their special interests. There has been but little effort hitherto to watch over the national life, and give it uniform force in the several States. Unfortunate, vexatious, and meaningless differences of law have been frequent. Laws of divorce bearing on identically the same rela-

tions, and on relations fundamental in social welfare, have been present in different States to the injury of all. Each State is compelled, in a measure, to submit the soundness of its own social construction to that of an adjoining community. The lowest standard tends to become the standard of all. Local option, the last step before we reach anarchy in law, has become a favorite policy of weakness and division with us.

A movement, begun by the American Bar Association, aims to secure agreement in the several States in the great essentials of law. We have not yet learned how to unite local development and national life in the composite development. Laws of the family, of real estate and forms of transfer, laws that must constantly seek execution in the distance, ought to assume a common form suited to our general wants. We have, in this diversity of law, another phase of the conflict between individualism and collectivism, with a perceptible predominance hitherto of the former tendency. We cannot wisely defer a patient and conservative effort to give our united life more adequate expression.

§ 9. The corrections suggested will owe their value chiefly to a higher temper which they will express and call out. A more beneficent and less conventional mind is distinctly called for in judges, lawyers, and citizens, one which aims more directly at comprehensive welfare. The laws should not remain old barriers across which men, in successive generations, fight their battles, the judges enforcing the rules of the game, but regulations assigning new conditions and safeguards to our growing prosperity. It is the office of the judge to bring each suit, in the shortest time and least expen-

sive way, to a satisfactory issue; to watch over, facilitate, and make felicitous all the processes of justice.

The lawyer is bound also to make justice his exclusive purpose, seeking it primarily as it bears on his client. The idea so generally accepted that the lawyer owes his best efforts to his client in carrying out his purpose, irrespective of the interests of society, introduces lawlessness into the very circle of law, and leaves law to be torn into shreds by contestants according to their respective ability. The learning, acuteness, and skill of a great profession are put in the market, and degraded to the service of any man who can pay for them; in criminal trials, they submit themselves to the worst vices of men, and the most dangerous evils of society. If one is bound, irrespective of justice, to do what he can for his client, he is equally bound to accept that client, irrespective of character.

So thoroughly has this professional sense of honor, by which a man submits his own conscience and the welfare of men to a client, and he, perchance, a villain, prevailed, that that which should have been the shame of one set apart to aid in the administration of law has become his great distinction. Daniel O'Connell, "a crafty lawyer, master of the quirks and quibbles of law" — quirks and quibbles which seemed to be retained as the dice of gamblers — "boasted that he could drive a coach and six through any Act of Parliament." "Glorious old Tom Marshall," of Pittsburg, claimed that he had defended more murderers than any other lawyer in the United States, and that all but three had escaped punishment. Rufus Choate was once defending a case in Boston. One of those implicated in the

robbery was asked, "what had led him to venture on such a crime?" The answer was, "We thought that if the money was found in our boots, Choate could get us off." Such lawyers should rank with those whose fortunes they espouse. They make it their business, a business they pursue with large resources and much honor, to protect the determined foes of society. A lawyer who congratulates himself, and accepts the congratulations of others, on winning a suit without reference to its merits, is doing what he can to confound justice and make it habitually miscarry, is putting his own false honor in place of the welfare of society. "In England, in the last of the eighteenth century, a suit to recover 40s. could not, if defended, cost less than £50. The expenses to recover £81,791 were £285,950."¹

With this identification of the lawyer and his client has come the disposition to confuse and browbeat witnesses. A cross-examination often means, not an attempt to elicit the truth, but an effort utterly to confound it. In one case the Supreme Court of Michigan rejected the decision of a lower court because of the "bulldozing and browbeating" of a witness. Though in the majority of cases something like justice may be reached in our courts, they so often fail of it as to destroy the confidence of the intelligent citizen, and lead him to look upon the administration of law as one of the irremediable evils of the world.

It is high time that men refused to accept the lame results of a profession that is lagging behind its duties. No verdicts and wrong verdicts are not the inevitable

¹ "History of England in the Eighteenth Century," W. S. H. Lecky, vol. vi. p. 260.

things we choose to think them. The great ends of law are as open to our attainment as any equally comprehensive good. The disposition to correct an evil is a more difficult attainment than the correction itself. The law is now so badly administered that redress is often refused because the injured person will not venture to push his claims; or a prosecution is commenced as a means of annoyance and of exhaustion; or claims are set up that the contested profits may be retained during the slow process of the suit. The public must demand more as a means of getting more. Sociology interests itself not in the theory of law simply, but in the manner in which it is playing its part in our complex life.

CHAPTER III.

CRIME AND PAUPERISM.

*Duty
see p. 306.*

§ 1. THE most constant and universal office of the state is the definition of rights and duties between citizens involved in municipal law. Herein civic ideas take form. In the formation and the administration of law, the state is working chiefly under the end of protection. It is open to criticism chiefly because the protection it offers is so inadequate, so slow, and so costly.

A. 73.

The most direct form which protection assumes is criminal law and poor laws. The defects which creep in at this point are even greater than those which attach to civil law, as the interests dealt with lie between classes wide apart, and can easily be handled in a way at once arbitrary and negligent. Justice requires in criminal law a wise and uniform determination of what is crime, — a punishable offence against the public welfare — and a speedy, certain, and suitable penalty.

*1st failure:
unequal justice*

The first condition of securing due force in the administration of justice is that it shall be justice, a visitation of punishment on all offences against the public weal according to their magnitude. An inequality which constantly shows itself in criminal law is a disposition to deal decidedly with the offences of the weak against the strong, and lightly with the offences of the strong against the weak. Theft and robbery are severely

punished, while fraud, misappropriation, and all the nameless dishonesties by which wealth is so frequently acquired, are punished slightly or pass unheeded. The temper under which a girl of twenty-two was hung in England for receiving a piece of check which had been stolen has, indeed, been greatly softened, but has not yet been supplanted by a wide and equitable definition of offences against property and person.¹ Robbery may extend itself right and left through the entire community, reaching the food on every man's table; but if it is termed a corner in the produce market, the robber appropriates his gains with applause. Violence, the cheap offence of the poor, is summarily restrained; impurity, the costly offence of the rich, is punished lightly. Purity, the germ of all civilization, has greatly lacked faithful protection.

Laws, because they are made and enforced by the strong, never deal quite fairly with the lower classes. They assume that those above need stringent protection from those below, and forget that those below need even more careful protection from those above. Take such an item as contracts. The contracts of the poor are verbal, are almost completely without enforcement in law, and leave the laborer in the hands of the employer. There is in the business of life no parity between the two. It is not even admitted that there ought to be, or can be, any parity. The employee can be shaken off any moment for any reason, and be left to catch on again as he can. The law has made no effort to shelter his path, but has left him to defend himself as best he may. A corrective tendency shows itself feebly among higher forms of

¹ "History of England in the Eighteenth Century," vol. vi. p. 281.

labor. A longer customary period of service is conceded, and summary dismissal is somewhat restrained.

There is a disposition to deal lightly with offences to which any considerable number are addicted, especially when the evils are widely scattered, and fall chiefly on the feeble. The state pleads its own weakness, and excuses itself from much of its work. It undertakes to regulate the sale of intoxicating drinks, finds its own profit in its method, and then leaves the immeasurable disasters of the trade to spread themselves all through the lower strata of society. Generation after generation, a great crowd, men who have passed beyond the stage of self-control, women and children dependent on them and exposed to them, those who have reached the level which lies below the range of moral motives, the diseased, the idiotic, and the insane, largely the product of this debasement, are left unguarded by a criminal law which is pursuing thieves, and watching over the safety of those whose safety is assured by their own strength.

There is a tendency in the execution of criminal law, in keeping with the temper with which it is framed, to pass lightly over certain illegal acts and give them an illicit standing in society. Houses of prostitution, gambling-houses, are accepted against the letter of the law, and subjected to the corrupt management of the police. Those who administer the law sit a second time on the law, and declare its intent. The law becomes so completely an instrument of private ends, a makeshift in the shuffling ways of self-interest, as to lose the integrity and authority which belong to it. Justice smacks of injustice, so unequal is it in its various forms.

This result is more extended and more ruinous in free

than in arbitrary governments. The ruler is debauched in the same degree and by the same process as the ruled, and correction must make for itself a slow, obscure way through the entire community.

A current number of *The Nation* has these words concerning the state of affairs in New York City: "Everybody knows that criminal resorts flourish in defiance of law, and there is a general belief that they pay liberally for their immunity. It is also a general belief that liquor-dealers pay handsomely for various privileges which are denied them under the law If a committee were to disclose the relation of the Tammany authorities through the police department with the gambling-houses, liquor-saloons, dives, brothels, and other resorts of crime and vice of the city, we should have a revelation the like of which had never been made before."¹

This revelation came through the Lexow Committee; and because the evil had grown up under knowledge and negligence, the mode of redress remains slow and obscure. There are still those who feel, in spite of these deadly evils, that the vices of a city need some indulgence.

With this temporizing administration of justice comes the disposition to disregard the crimes of the poor and vicious against themselves, if they can be kept out of sight. Thus every form of crime, from murder upward, is committed in our great cities, with little intervention on the part of the police, if there is nothing in the social position of those concerned to compel it. Thus crime, like disease, is bred in dark places, and

¹ *The Nation*, vol. lvii. p. 363.

abides its opportunity to break out on the community at large.

For a considerable period, dens of infamy, guarded places of crime, existed among the rough population of northern Wisconsin; and the executive officers of the State spent their strength in denying their existence in place of suppressing them. When a community fails to make, according to the conditions then and there present, a wise and comprehensive definition of justice, the justice it does seek after will perish in its hands.

§ 2. The second failure in criminal law is the lack of speedy, certain, and suitable punishment. Next in importance to a fitting penalty is the certainty of its speedy infliction. No excellency in the punishment is of avail without this promptness of administration. Our criminal laws are often so enforced as to take all pith out of them. The same person will sell in a single community intoxicating drinks, either the sale or the method of sale being contrary to law, for a series of years, and cover the fines by a portion of the profits.

Of the murders committed in the United States, only a small portion meet with punishment; and of these punishments more are inflicted by lynching, in defiance of law, than by the officers of justice, in defence of law. The soundness of men's thoughts, and the wholesomeness of the ties which knit them in society, suffer rapid decay. The New York Court of Appeals recently administered this rebuke: "When all the forms of law have been observed, and the defendant has had every opportunity to make his defence, and his conviction has been affirmed by the highest courts of the state, the contest in the courts should end. . . . The forms of law

*2nd failure,
delayed justice.*

?

should not be used to subvert the criminal law of the state. Attorneys and counsellors, admitted to practise in the courts of the state, are under duty to aid in the administration of justice, and they cannot, in consistency with this duty, engage in vexatious proceedings merely for the purpose of undermining the final judgments of the courts, and defeating the behests of the law. It ought to become a subject of inquiry, therefore, whether they can thus become the allies of the criminal classes and the foes of organized society, without exposing themselves to the disciplinary powers of the Supreme Court."

If we guide our judgments by strict principles of justice, the possession of wealth will, in most cases, enhance the guilt of crime, as it indicates less temptation and a more grave disregard of the public welfare. Yet wealth shows its full power, in the execution of our criminal law, in securing escape, acquittal, delay, light penalties, and pardon. The commercial temper pushes its way into the court-room. Justice is summary or slow, decisive or uncertain, according to the interests associated with it.

§ 3. Another weakness in our criminal law is the disposition to make it a matter of local option. Wide social necessities are put on the footing of local concerns, and remanded to those interested in them for settlement.

In the anti-slavery conflict, we introduced the idea of local option. Each Territory was to settle for itself a policy than which none could be more national. We were ready to waive the sovereignty of the nation in favor of "squatter sovereignty." There are no police regulations more difficult of execution, more intimately

*Amicus of
local option.*

*3rd failure.
local option.*

associated with the entire administration of criminal law, more uniform in the evils they involve, than those which pertain to the sale of intoxicating drinks. Yet, with that feebleness which characterizes all moral compromises, we have given wide sweep to local option, with the result that the enforcement of law becomes impossible in the narrow territory that imposes restraints; that the same communities are in a constant flutter of transition between license and no-license, finding them equally intolerable; and that large cities, in which restraint is most needed and vice is most rampant, are left to sink lower and lower under their downward tendencies, and plead their own sins against the remedy.

We must recognize the fundamental and commanding character of the duties men owe each other in society, and be prepared to treat them with breadth and power, before we can claim or secure any notable success. A temporizing spirit, by which we give way before determined opposition, must subject us to the slow growth of crime. The pure moral forces we may invoke will be robbed of their staying power. We shall have no sufficient barrier of law behind which to rally resistance. We shall be looking for victory without the courage to win it.

§ 4. A weakness akin to this of local option, and its natural product, are committees of public safety, law and order leagues, which assume prominence in our cities and villages as a means of enforcing law. What do they, one and all, mean? They mean that we have allowed the law itself and the officers of the law to fail us, and are now striving to supplement them or displace them by a temporary, extemporized process of our own. These

4th failure,
non-legalized
"order leagues"

efforts must end in failure. Those who cannot control the ordinary and suitable processes that have back of them the organized power of the community, can neither displace them, nor, for any considerable period, force them into suitable activity. The only legitimate way, the only possible way, of governing a community is through its own civil officers. If we cannot do this, we have not strength enough to do the more difficult thing, control them and the community also. It is absurd to suppose that we can build up a state within a state. The government we unite to organize, in whose hands we put all the machinery of law, whose officers are supported by the state, and have at their disposal suitable times, convenient opportunities, and the moral force of an imposed service, must protect us, or we shall be without protection. Our spasmodic efforts serve, aside from the usual forms of law, only to exhaust us, and must end in failure. They are liable, from the very outset, to be in open or secret opposition to the officers of the law, whose actions they undertake to correct. This opposition will develop into hostility, and throw back on the committee or league the fundamental question, their ability to reach the desired results through the government itself. The law and the officers of the law are one and the same thing through any considerable period. It is because we forget this fact, and separate our laws from those who interpret and apply them, that we so often deceive ourselves and others by directing our attention to the statute book, instead of the law actually potent with us.

Our large cities have more and more fallen into the hands of the police, themselves receiving their power, at

May not an "order league" or a "committee" of 100 have the same validity as a civil war, and be so necessary?

not a necessity.

a slight remove, from those involved in crime. The people wish one thing; the legislature give a restricted expression to the desire; the executive officers of the state, in still closer contact with the persons to be restrained, determine what part of the law shall be enforced and in what way. Instead of correcting the evil by the very processes through which it has arisen, we rebel, from time to time, in an ineffectual way, and then sink back into servitude. The only easy and successful method of administering government is by the officers of government. The only forcible way in which the moral, civic sentiment of a community can express itself is suitable laws. The only manner in which these laws can gain reality is through the officers of the law. Law is impersonal, powerless, till we clothe it with the personality and powers of those to whom we commit it. The citizen must rule the law and the officers of the law as the only channel of legal expression. All efforts in other directions are spasmodic, of value only as they raise and answer this primary question — the effectiveness of law.

B.

See p. 332.

§ 5. Closely associated with crime is pauperism. In both we are dealing with the same great difficulty, a more or less chronic failure of social organic forces to do their work. Grave objections are thought to hold against public and private charities, and they do hold so far as to render the method of administration a very difficult and delicate one. It is said of state charities that they lay the burden of the indolent, improvident, vicious, on the industrious, prudent, and virtuous, and so act as a natural selection in favor of the least valuable members of society. The objection is sufficient to im-

pose great caution, but not sufficient to break through those social and moral ties which bind us to each other. We do not rest on simply natural selection, but on the higher election of moral life. If we disregard the higher impulse, so much will perish with it as ultimately to engulf our entire prosperity.

It is said that public charities are administered with little discrimination, soon lose personal sympathy, and come to be regarded as a right on the part of those who receive them. These objections are so true that they uncover the depths of the evil with which we have to deal, but leave with us the entire task of correction. Our difficulties, like sloughs in the highway, deepen by being let alone. As pauperism is the product of subtle and extended defects in the social life, it can be overcome only by correspondingly wide and thorough methods.

It is objected to private charity that it assumes a weak, sentimental form, on which a pauper temper, as in tramps, feeds and fattens. Some are ready to think that the charity of the early church, though a virtuous one, undid most of the good it accomplished. Here, again, we are dealing with conflicting tendencies, which can be reconciled only by blended wisdom and goodwill. The charity of the world, mistaken as much of it has been, has wrought in the heart of the giver and in the heart of the receiver salvation, partial and ineffectual as that salvation has been. There are no royal roads. We travel on those which turn now to the right, now to the left, and in all directions encounter the full variety of obstacles. We cannot excuse ourselves in that which is good from completing its goodness in wis-

dom. Good-will redeems much, but not persistent folly. Nowhere is perfection more difficult of attainment than when we encounter that confused aggregate of evil expressed by pauperism, on this side a hard and forgetful temper, on that a weak and indolent one; here unwise sympathy, and there unsympathetic wisdom. This running sore will be the latest one to heal.

§ 6. Private gifts can never fully occupy, nor adequately control, the large field of charity. The general outline and the ruling forces must be furnished by the state. There will always be unoccupied, or partially occupied, spaces sufficient to employ private charity. The state, in furtherance of the general welfare, must accept, in its primary and stern forms, the guidance and correction of its weaker members. The state can no more be allowed to be inhuman than can the individual. The results are the same in either case. There are no natural laws which will rid society of the poor and the vicious without its own intervention. Poverty and vice beget poverty and vice. Extreme suffering enhances, rather than reduces, the evil. Society cannot sacrifice its own moral integrity. It is bound, by a law it cannot escape, to put forth the corrective effort. But if society must do anything to remove pauperism, it must do it in the most complete and adequate way.

Pauperism is due in part to organic defects in society. These maladjustments may be obscure, but their presence is disclosed by extreme poverty as an habitual product. Thus in England, for a long period, the wages of farm-labor were determined by law, and the laborer was expected to receive a considerable part of his support from the poor-rates. Public charities were made necessary

1. The treatment of Pauperism must be peculiar in origin & control

by bad laws, reduced in part the evil of these laws, and left the laborer in hopeless dependence. Poverty in every community is associated with the civic rights, social incentives, economic opportunities, which enclose its citizens and determine their development. Pauperism is a civic, a social, and a personal disease, and must be treated in the entire circuit of its causes.¹

The burden of pauperism cannot be escaped. It rests least heavily when we meet it manfully. There is in every civilized community — and, aside from wise efforts of correction, increasingly as a nation grows older — a class of persons so degenerate, either in physical or intellectual or moral qualities or in them all, as to be unable or indisposed to provide for themselves. They fall below the standard of life about them, and seem on the verge of extinction without being exterminated. The richer classes may not ordinarily suffer much from their presence, and the evils of it find them out furtively and remotely. The class next above those whose inability or improvidence are chronic is much burdened by them. Barely able to maintain its position, it is pressed in hard times by the competition of those below it, and is constantly liable to slip to their level. The subsistence of the very poorest is secured, in part, at the expense of those who are not prepared to endure any additional strain. This second class, by its distress, distresses the class next above it. Thus the burden of poverty, at the very bottom of society, hangs as a dead weight on the industrial enterprise of the community at large, and enhances every embarrassment which overtakes it. The diffusion of the evil hides it, but leaves it to inflict

¹ American Charities, Amos G. Warner.

a maximum of mischief and to renew itself in every generation. The prosperity and the power of purchase of the working-classes stand for the wealth and strength of society far more than does the abundance of the few. The depression of the lowest classes reaches the prosperous by its general effect on society, and by the reduced social and moral tone to which it gives rise. The reactions are remote, but very comprehensive.

Poverty and crime, though different expressions of social weakness, are inseparable from each other. The same causes strengthen both. Society must deal with crime, but it cannot deal effectively with it separate from pauperism. An adequate correction of the one will bring correction to the other. If we would expel the criminal tendency from society,—and this is not too comprehensive a purpose—we should find that our contention would involve at once those economic and moral forces which are issuing in extreme poverty.

Then { The criminal, like the pauper, succumbs to conditions *little blame* too hard for his moral fibre.

Society, as one whole, alone has the responsibility, the necessity, and the power which prepare the way for a thorough treatment of the conjoint problem of pauperism and crime. Whatever individuals may be willing to do, the task is beyond their strength. Their efforts at best will be feeble palliatives. It is a duty and a discipline which attach to our joint lives to deal with those social conditions which by some physical or civic or moral fault are constantly casting out from the processes of growth, as refuse matter, the pauper and the criminal. An evil so deeply organic cannot be successfully treated in the rough way of penalty simply.

Having suffered the weak to fall out of the ranks by virtue of hardship, we shall not restore them again by still greater hardship. The problem, as a physical, social, moral one, cannot be treated on any one side alone.

§ 7. Society, though it has come into possession of many important principles, has thus far handled pauperism and crime in an ineffective way. Crime, in the United States, has of late years been on the rapid increase; and pauperism, as expressed in the numbers of tramps, has taken on startling dimensions. In 1850, there was one criminal in 3,500; in 1890, one in 786. While much of this growth in crime is referrible to the great extension of police offences, — and some are ready to claim this as a sufficient explanation,¹ — the number of murders reported in the United States, the infrequency of punishment, and the increase of lynching, show but too plainly a deep-seated and growing danger. In 1882, the number reported was 1,266; punishments, 93; lynchings, 118. In 1889, number, 3,568; punishments, 98; lynchings, 175. In 1893, number, 6,615; punishments, 126; lynchings, 200. In 1894, number, 9,800; punishments, 132; lynchings, 190.

An increase of crime in England and Wales of indictable as well as of police offences has been affirmed.² It is certainly plain that society is called on to treat this danger with new wisdom and decision. The first step in such a treatment is a more comprehensive recognition of the causes of pauperism and crime. The method of dealing with them must be both corrective and repressive. Repression has but little power without cor-

¹ Elijah C. Foster, *Forum*, December, 1891.

² W. D. Morrison, *Nineteenth Century*, June, 1892.

*Absolutely? or
Relatively?*

*Are not the
reports more
complete today
than in 1882?*

rection. These causes are complex. Among the social causes of pauperism and crime are methods of business, estimates of personal rights, laws and customs which serve to separate different classes of men and narrow in the opportunities of the more feeble, the sentiments which restrain sympathy and make censure cruel. Severe pressure on those less well endowed reduces the incentives to industry, and confirms the habit of mind which issues in pauperism and crime. It is the commencement of the process of expulsion. Degradation begets poverty and crime as certainly as poverty and crime beget degradation. The first and most successful contention against these twin evils is a true democracy of opportunity, of social incentives. We owed much of our earlier exemption from crime to our exhaustless resources; we owe, in part, the present increase in crime to the unscrupulous way in which these resources have been appropriated.

*was there a
decrease of
crime in the
years of recent
depression.
1893-5?*

It has been observed that periods of restrained enterprise are less favorable to crime than periods of unusual activity.¹ So far as this observation is just, the fact would seem to be due to the weakening of conventional restraints, the inflaming of desires, and the sense of injury which accompany speculation. An advanced standard of living, equable and equitable social relations, strengthen industry and honesty. They show the organic force then and there at work.

A second social provocative to pauperism and crime is a lazy, fluctuating treatment of them; a tendency to diminish our own moral responsibility in connection

¹ "Crime and its Causes," W. D. Morrison.

*2. The treatment of Pauperism must
be positive and reformative.*

with them by enhancing the responsibility of those involved in them. Such a method partakes of the same feeble moral temper out of which the mischief is arising. Not till society is ready to put forth its collective strength to resist decay, will there be cogency enough of life to conquer this decay.

The personal element in pauperism and crime has received relatively excessive emphasis. It has led us to look on these evils as narrowly contained in the voluntary habit of those subject to them, and capable of removal by punishment, artificial or natural. There is far too little virtue in the anger of society, far too much fault in its own action, to make its moods of indignation effective. If we pass from the extreme of crime, preying actively on society, to the extreme of poverty, preying passively upon it, we shall find at every stage a deficiency in original endowment and acquired characteristics, which distinguish these unsocial classes — classes not subject to the same motives as their fellow-citizens — from those fully obedient to social law. The distinctive criminal exhibits a deficiency in moral motives, the distinctive pauper in social motives; neither has the full capacity of a man. The one is wanting in spiritual powers, the other in intellectual and physical ones. A class peculiar in its conscious life, its range of motives, cannot be treated precisely as if it were normal in these respects. In these personal characteristics are enclosed many physical tendencies and narrow social phases which have come by inheritance. Perverted physical endowment, warped feelings, inferior intellectual powers, social relations that have enhanced the evil not helped it, make up a

composite product not to be broken in on by feeble and partial methods.¹

Jukes!
A single family in the State of New York, in seventy-five years, furnished 280 paupers, 140 criminals, 50 prostitutes, and cost the State \$1,308,000.² A false organic growth was thus allowed to fasten on the social body and thrive with it. Society, in dealing with evils of this magnitude, must remember how normal they are to its own present constitution, and how thoroughly that constitution must itself be renovated, if even a heroic remedy is to be permanent.

Those who come under the designation of paupers and criminals, at any one time, are a motley crowd. Some are there simply by virtue of circumstances too hard for them; some because of an unfavorable balance of motives, which, in their early development, offered occasions of easy correction; and some as the hopeless embodiment of the chronic evils of their class. Here is occasion for careful discrimination, a sympathetic appeal to every remedial impulse, a surrounding of each with corrective forces according to his type of difficulty and disease. The purpose should be to save all that can be saved, and to put an end to those incapable of cure. The entire energy of society should be directed to both of these ends, as inseparable from each other in a true remedial method. This is, at bottom, the truly moral temper, and has the highest moral sanction. To regard crime as wholly a moral evil is superficial morality. Better insight teaches us how deeply bad moral quality is intertwined with our physical and

Ames!

¹ "Punishment and Reformation," F. H. Wines.

² The Jukes.

social life, and with what a bold, firm, kind hand we must cut it out.

The punishment of crime by a definite sentence, with little or no provision for correction in character or restoration in social position, under circumstances which tend to deepen every depraved tendency and repress hope, is profoundly unreasonable, and is as unfruitful of good as the passionate outbreak of a weak parent against a refractory child.

The moment one falls into the hand of society by virtue of inability to provide for himself, or because of acts of violence against society, he loses the government of his own life. Society should, for its own welfare, assume, so far as needful, control, and with wisdom and good-will begin the correction of the evil. Inexhaustible authority and profound responsibility are united in this supreme charge, the public welfare. That form of justice by which criminals, with an increased criminal intent, are let out on the community again and again, the community taking upon itself the dangers and the charges of recapture and conviction, is a strange record of unwisdom, sustained by a purely conventional sense of justice.

When we accept, in confirmed vice and hopeless pauperism, the same individualism which we are anxious to call out in the virtuous and the industrious, we confound disease with health, and put them both under the same law. What society has the duty and the right to do at all, it has the right and duty to do thoroughly and well. We strive to anticipate disease, to cure it, and to prevent its extension. We do well to anticipate crime and pauperism by favorable social con-

the right of the individual in disease

vs

the right of the individual in health.

ditions, to cure them, and to prevent their propagation. The method may not be always plain; but it will be much plainer if we have a distinct hold of the object before us.

At few points do we see more distinctly the extent to which society, in its organization, rests on moral relations than in connection with pauperism and crime. Failures at one point spread widely through society, and the obligations incident to correction search out all citizens. We have learned much in recent years in the theory of the subject, and gained somewhat in the application of principles.

CHAPTER IV.

EDUCATION.

§ 1. We have been speaking of the familiar and universal duties which society, acting under the relations of civil law, owes to itself; of the manner in which the state performs its recognized work. We have emphasized the fact that the protection which the state should extend to its citizens is much more comprehensive than it is usually thought to be, and that, under the rough provision now made for the safety of property and person, there is, on the part of the more powerful, a constant disregard of the equal conditions of welfare on the part of the less powerful. Unless there is an assiduous effort to constantly renew the equality of opportunities in society, freedom of action will mean more, and more power with the powerful, more and more weakness with the weak. The primary watchfulness of society must be directed to equitable terms of activity between its members, and its secondary watchfulness to preserving order under these terms.

A chief means by which society can equalize and renew advantages in each person, each class, each generation, is education. The question of popular education thus becomes, among the questions which address themselves to the state, one of the widest interest. It raises these inquiries: the right of the state to educate its youth, the reasons for the exercise of the right,

and the wisest methods in its use. The first of these inquiries is most readily answered in connection with the second. If there are urgent reasons why the state should provide liberally for education, few will doubt its right to do that which is for its own highest welfare. There is nothing, either by way of power or of principle, which can come between the state and its performance of all needed services to itself. The power carries with it the duty and the right. The opposite view rests on the theory that the state derives its power from the citizens, a theory grounded neither in philosophy nor experience. This single consideration is commended to those still under this view. If the state, pursuing its own highest development, has no right to tax the property of its citizens for education, how can it, seeking safety, conscript its citizens in its defence? The right to claim the lives of its citizens in its own defence is a much more sweeping right than the right to demand a portion of their property for the best construction of the state. The relation of these two is the more significant, as the one rests more heavily on the poor and the other on the rich. If the poor man may be called on to yield his sons in defence of the lives and property of the rich, the rich man may be called on to give of his means for the education of the poor man's sons.

Nor are the ends of protection and construction so separable as in any way to weaken this argument. They are ultimately one. The state is safe only through growing strength.

The reasons for general education are ample; the objections are slight. It is said that gratuitous educa-

*F.
Right of
Education*

*Argument
for Education
by the State*

tion is not appreciated, that the poor neglect what is so freely bestowed on them. Yet this method of magnificent, gratuitous education has been current for centuries, and few have objected to it, till it began to reach the poor, who most needed it. Not a rich man pays in full for the education his son receives in any of our higher institutions. Giving on a large scale is the foundation of them all—gifts which are constantly accruing to the benefit of the rich.

Knowledge is easily enhanced in the eyes of one pursuing it or in possession of it. The point of exertion is in the acquisition, and is quite sufficient to maintain the estimate of value. A high esteem of knowledge inheres in knowledge itself, flows constantly forth from those who in any measure possess it, and is felt as a persuasive to action by those furthest removed from it. If the acquisition of knowledge is esteemed lightly by any, it will more frequently be by the children of the wealthy.

It is objected that education is not effective, at least not so effective as it is said to be, in securing the public welfare. That we need constantly to extend education and to correct it in purpose and method is true. Shabby, inadequate, and ill-directed work is attended with the same failure here as elsewhere. When, in consequence of these partial failures, wise parents no longer think it desirable to educate their own children, it will be time enough for the state to neglect its more necessitous children.

Our public education is manifestly effective in spite of deficiencies. Four per cent of our population is illiterate; it furnishes twenty-five per cent of our criminals.

Objection 1.

Objection 2.

II.
Method of
Education

Its contribution to the agencies which destroy society is from five and one-third to eight times greater than its numerical proportion.¹

Extent
Content

The more urgent inquiry pertains to the method of education. A bare outline must suffice, an outline left to itself for its justification. Our education should tend to call out the powers of children, and to direct and sustain them. It should put the child in the best possession of itself, in the most favorable relation of service to the community, and most perfectly under the moral, the communal, law. To do this, education must be universal, — extending to all — and reach in its final range well out into the entire field of knowledge. The lower and the higher education are inseparable. Either, as a social power, is dwarfed without the other. The lower becomes jejune and barren without the higher. The higher loses a large share of its ministration without the lower. Education, beginning with the lowest social stratum, should open vital and stimulating ways into the entire field of truth, and yield to every one an unobstructed opportunity, and the full profit of his journey as far as he makes it. Such a system goes far to render society truly organic. Each impulse is expended under the measure of its own power. Men sink or rise according to their intellectual buoyancy. There are no breaks in knowledge. The knowledge that is above percolates downward freely, until it reaches the lowest stratum. Intelligence grows strong or fades out, but is nowhere cut short by impassable lines. Society thinks, feels, acts, as one body. Social problems are wrought out under the full sweep of social

¹ Wm. T. Harris, *School Review*, April, 1893.

forces. The individual can move freely in all directions.

There are three ends in education, and these ends are something more than additional. Each later one gives new force to the previous one. In our public education, we have attached too exclusive importance to the first. These purposes are, as indicated, awakening powers; giving them a practical direction; and bringing them into quiet response to the good order of our human household.

These three forms may be designated as intellectual, industrial, and moral training. The first purpose we have pursued with considerable distinctness of apprehension. Studies and methods of study are good in the degree in which they awaken the mind. The second purpose is far more obscure. It comes to unite mental with physical development, and by means of the two to increase the child's mastery of the world. It is not easy to assign directions or limits to this form of discipline. It goes far to take possession of the child's future, and assign him a definite relation to society. We desire, at once, to give the child help by teaching that practical success which makes life and knowledge most fruitful, and yet we cannot wisely enter on methods which prescribe a fixed form to development. Much must be left to the child's own potency. To make industrial training specific is to hedge in, not to open out, the powers with which we are dealing.

The third, the social harmony, has been more overlooked in our public training than either of the other two. Yet at no point do men more need what we term training, and at no point is it more fit that society should give that training—the discipline by which we

keep step with each other, seeking our own safety and the safety of all. This is enforcing the ethical law, the law of conduct, as evoked from our own constitution and the constitution of society. This law should be brought habitually to the pupil in the forms and under the influences most immediate to his own experience. So wide and complicated is this law of conduct, so intimately are our personal and social dangers and successes associated with it, that an education, at all true to the facts of life, will find increasing occasion to give it breadth and power in presentation. History, civics, literature, religion, are permeated through and through with it, and are light or dark in the degree in which this illumination of rational relations is present in them. As there is no interpretation of life deeper than the ethical rendering of it, so there is no spirit of discipline more interior, inspiring, and powerful than the ethical temper, imparting force and harmony to life.

Our public instruction has been feeble hitherto, and must remain feeble while the present method is with us. We have identified morals with a few restrictive precepts, always nettlesome, rarely inspiring. We must handle the ethical law as the foundation of a wide and universal life in ourselves and others before we can feel or impart its power. We make, for example, history immoral by turning it into a pageant in which the good and the bad are alike lost to the eye, and a sensuous confusion overtakes us. Fiction, poetry, history, rarely reach the line of harmony between lower and higher impulses, yet they throw upon us the whole question of life—of the true and powerful forms of life. The criticism of personal characteristics, of social structure, and

*The moral
influence of
history study.*

the flow of events, is necessarily moral. Instruction in history, literature, philosophy, cannot be penetrative without being in that degree moral.

Moreover, a social life, limited, indeed, but most real, is daily formed directly under the hand of the teacher, with its own object lessons and principles of well-being. The instruction which is most effective must be free, since it aims to evoke living impulses in living spirits. Instruction that is peremptory, full of imposition, seeks an inferior end, and imposes burdens very likely to be cast off with good-will when the opportunity comes. Sound education is a movable equilibrium between the clear, stimulating voice that leaves all truth with those addressed, and the cogent authority, which of right belongs to that which is good.

§ 2. It is said that we cannot teach morals, they involve so much sentiment, and rest so much on the force of habit. This is so far true that we cannot expect to separate sound conduct from the current spiritual convictions which enclose our lives, and are the avenues to the most familiar and constant impressions. Whatever we may think of religious truth, or of the various forms of faith in which it finds expression, it is impossible for us to overlook their immense influence, or to regard them as the malign product of superstition and tyranny — as impossible as it would be to refer civil government to the willingness of the few to dictate the forms of life to the many. Religion has been a powerful organic force that has wrought side by side with civic law in combining and guiding men.¹ So long as religion possessed physical authority, the only possible harmony

¹ "Social Evolution," B. Kidd.

Does this mean compulsion or dogmatism?

between it and the state, embracing the same subjects, was that of union and mutual support.

Church and State.
 As religion came to be recognized as spiritual in its character, demanding freedom of belief and action, and submitting itself wholly to the liberty of the individual, it became evident that the state, by involving faith in its coercive relations, must necessarily injure it. The two forms of authority ceased to run parallel. Physical force marred spiritual influence. Any imposition, in the region of belief, became tyranny. The state could no longer strengthen religion in its inner hold on the mind. Religion could help the state only by being left to do its own vivifying work by itself.

Many have looked upon this separation, this breaking up of a contract of coercion, as if it were an ultimate and absolute divorce of these two necessary and universal forms of action from each other. It is rather the substitution of a higher, freer interaction for one lower and more constrained. Religion can best help the state, being left to its own liberty.

The church and the state.
 The aid it renders is associated with education, with calling out and supporting that sense of perfect order in conduct which is the substance of all harmony between man and man. In a country in which education is chiefly public, this question of the connection of social impulses and religious ones becomes active and vital. There is a double bigotry from which we suffer in education, the bigotry which identifies religion with certain dogmas, and the bigotry which insists on the absolute exclusion of all religious thought. The tyranny of the last assertion is of the same order as that of the first assertion, with the added inconvenience that it claims

•an absolute and universal concession to one of the smaller of religious factions.

Moral education, the enforcement of those laws of conduct which build men together in complete recognition of their mutual rights, is, in a free government, the summation of all training. Moral impulses, as potent forces in society, are inseparable from spiritual — ? impulses. The religious life embodies the same principles as the moral life, but embodies them in a more personal form. It matters little what force a few minds can give to abstract ideas. Men have been trained in their duties in the entire course of history in connection with religious sentiments. Here the streams of life are flowing. We cannot now turn them back on themselves, or send them elsewhere. We can no more divide moral and spiritual impulses than we can separate the waters of rivers that have once united.

It will be an unusual thing that a teacher will possess effective ethical ideas dissociated from spiritual ones : — ? a rarer thing that children, from families and communities permeated with religious opinion, will carry with them for long the force of an unfamiliar method. Conventional life is full of faith. Faith holds in solution much the larger share of its ethical impulses. It is vain to suppose that a public school system, in itself intermittent and remote, can exert a controlling influence, when it neglects the feelings most familiar and habitual among men, and replaces them by ideas above all difficult of enforcement. This is flaunting theory in the face of the world's experience.

A complete ethical law, implanted in the minds of men and the framework of society, is the most forcible

possible revelation of God, and the sense of his over-
ruling thought is the best possible support of this law.
Our education, any education, is entitled to the highest
spiritual notions which the race has reached in the
weary travel of centuries. To put negations, or mere
nothings, where evolution has placed our most control-
ling and consoling beliefs, is to emasculate all moral dis-
cipline. If we ought not to be constrained by any one
statement of religious truth, still less should we be
bound by a barren denial of all statements. Ethical
truth lies, in most minds, as an inseparable part of a
spiritual system, and in this way they must be allowed
to handle it.

The public teacher should be left to carry over to his
pupils wider principles and better impulses through all
the open ways which lie between them, impulses sup-
ported by sentiments which are their common posses-
sion. This is liberty, and liberty made effective in the
common service. Such instruction separates itself from
the enforcement of religious dogmas and religious rites.
It is in no way difficult to distinguish between them.
Nor are the slight errors by which one gives to in-
struction occasionally the stringency of a narrow belief
in any way important, save as men choose to find in
them occasions of quarrel. The public school is too
uncongenial to religious dogma to make that dogma in
any degree dangerous. On the other hand, it habitually
suffers from methods too unfamiliar and impersonal
to lay hold of the lives of children.

The very highest function of education, pre-eminently
of public education looking toward good citizenship, is
a vital exposition of the laws of conduct by which

very good

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Education -
(teaching)*

human life is built up and built together in strength. The successes secured in other directions are, in a large measure, lost if they are not accompanied with success in this direction. In aiming at character, conduct, the soundness of our communal life, the teacher should have the liberty of the entire spiritual world, the world under consideration; should have a right to assume the fundamental convictions which are involved, for the mass of men, in the moral order of the world, convictions whose denial by the few is oftentimes more verbal than real.

We may be quite sure that we shall never draw power except from the sources of power, and that these sources are in the deeper, wider thoughts of men. We plead for a liberty which entitles men to a use of their resources, not for that semblance of liberty which robs them all equally of their influence.

While the state remains separate from all forms of faith, leaving them, one and all, to the development of their inherent tendencies, this attitude does not compel the state to be stupidly unobservant of the public welfare, as it may be associated with religious belief. Its wisdom does not consist in knowing nothing, and seeing nothing, on this most weighty side of life. Its aim is to preserve this life, as all life, by granting it liberty. This it cannot do in a blind way, running against it and over it whenever it chances on it in its path. The state must recognize the scope and organic force of religion, withholding its hand from it, not that it may do less, but do more, in its own spiritual method in building society. No impoverished policy of neglect will enable the state to do its work well. The principle that settles

all questions with it must be the fullest, highest development of the conjoint life.

§ 3. In speaking of the manner in which the state renders its duties, the most immediate of them being the safety of all, mention was made of external protection. This duty has long threatened, in its performance, to cripple and crush the very interests in behalf of which it is rendered. In most civilized nations, men are laboring hard in peace to secure the resources of war, finding no goal of rest under the ever-growing demand. War does not bring safety to the pursuits of peace, but peace loses a large share of its blessings in a constant preparation for war. The one great burden resting on men and means to-day in Europe is the burden of actual or possible war. No other fact so directly and extensively interferes with the public welfare. The evil has assumed that complicated and irrational form in which all unite in magnifying it, and none seem able to abate it.

The correction seems to lie in a transfer of political power from the few to the many. Those who now have the most influence in provoking war bear the smaller share of its burdens; those to whom it is an extreme and unmitigated evil have little to do in ordering it. As long as men by the million can be led into war and trampled under foot by it, with slight reference to their own interests, war is likely to retain its hold. A large and influential class find their honor and their interest in it, and maintain the sentiments on which it rests. Those who drive men into battle, and those who are driven into battle, have no parity of rights, of gains and losses. When men shall know their own thoughts, and

be able to make those thoughts effective, war, as against the interests of the mass of men, will relax its grasp. The simply thrifty, happy citizen has little or no incentive to war; he has great occasion to look upon it with abhorrence. A growth in prosperity of the laboring classes means the end of war, both because their growth is checked by war, and because the better sentiments springing up between man and man are repugnant to it. As long as there is tyranny within the state, states are likely to be belligerent to each other. The sense of justice is a far better defence than accumulated force. Wide industrial and social training are the ultimate terms of safety.

CHAPTER V.

THE ENFORCEMENT OF NEW DUTIES BETWEEN
CITIZENS.

§ 1. A SOCIETY is in a constant process of evolution. New relations, and with them new rights and new duties, take the foreground. Social adjustments cannot remain for very long the same. As soon as one answer is made, the interrogatory takes on another form. In winning the English Constitution, a long series of contentions lay between tyranny and liberty; and when a relatively free government was won, a like series of changes were found necessary in its adjustment to social life.

Power, ever ready to become tyranny, is constantly concentrating at new points, and calls for fresh methods of limitation and dispersion. The power which accumulates, under free institutions, in single persons, or classes, or modes of procedure, is even more dangerous than the monopolies a monarch may devise. They escape observation, or are regarded as necessary incidents of the rights of all, the inevitable results of liberty. That eternal vigilance is the price of liberty is in no direction more true than in dealing with the results of liberty itself — than in the readjustments by which these fresh powers are shaped to each other. We must not be satisfied with an even start in the race; in every stage of it fair relations must be maintained, and at every renewal of it equal relations must be restored. We do not run once for all.

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p. 306.
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§ 2. That which especially distinguishes our time has been the concentration of power in the industrial world, the independence of the employer, the dependence of the employee. The most obnoxious form of what may well enough be termed tyranny is offered by corporations, themselves the creations of law. The demand is the stronger, therefore, that the state which confers these anomalous powers should also control them.

*affairs
regulated
by the
state.*

States, like England, which are watchful of the safety of their citizens, have found occasion for an ever-growing series of laws designed to protect the employee from the encroachments incident to the new and more powerful forms of industry. The kinds of labor admissible for women and children, the schooling of children, the hours of labor, the conditions of safety and health, insurance against accident, methods of payment of wages, inspection as of savings-banks, provision for old age, are examples of the points that have come under consideration. The fact is recognized that not only does personal liberty not suffice to secure general personal safety under the modern conditions of society, but that it is less and less able to do so. Protection is thrown over those most able to manage their own affairs. Steam boilers are inspected, the manner of running railroad trains is determined, the character of crossings, the method of heating cars, the material and construction of buildings, the purity of food, the public health, the diseases of cattle, are taken under regulation. The public has ceased to be distrustful of intervention. As the citizen, in the ever-increasing complexity of life, is unable to care for himself, the state strives to care for him.

§ 3. With this growth in the forms of protection, there

has sprung up, though more slowly, a sense of the need of greater restraint laid on individual and corporate power, the sources of trespass. The industrial world, instead of becoming more safe and broadly beneficent by virtue of the immense increase of productive power, has become more dangerous. Violent fluctuations take place which result in the loss of the means of subsistence to many workmen. Wage-earners are suddenly thrown out of employment in a manner wholly unaffected by any diligence or want of diligence, or prevision or want of prevision, of their own. They fall as readily as blasted fruit from a wind-beaten tree. In the winter of 1893 and 1894, the police census reported 46,859 unemployed in Philadelphia. The public buildings in Chicago were crowded at night with the destitute, as by the wounded after a great battle. Everywhere a heavy wave of disaster broke over the land, not from physical, but from economic and social, causes.

Such facts invite attention because of their increasing frequency and increasing magnitude; because they are associated with an ever-growing luxury on the part of those who have the guidance of the industrial world; because they seem more and more uncontrollable with every step of concentration; because the panics—as was the case in the above example—of which these disasters are the result, are often occasioned by legislation; because the doctrine of personal liberty, urged as a constructive principle, makes chiefly for the increased influence of those from whose power we are already suffering; and because tyranny is just as possible under unrestrained commercial privilege as under civil or military authority. While we must admit that the

remedies of these extended evils are by no means obvious, we must also remember that a large share of our successes are won by tentative efforts, associated at first with complete or partial failure. The one position forever untenable is that evils are to be left to themselves, that they will eliminate themselves without our correction.

raising fair

On this movement of control the public has entered, though in a distrustful and timid way. If the government of forces so masterful as those which now possess the industrial world is to be undertaken, it must be in a determined spirit. Commissions of various kinds have been established to which the public has looked for relief, — bank commissions, insurance commissions, railroad commissions.

Railroad commissions are the most notable, and though not without success, as in Massachusetts, have more often been disappointing. It has been, for the most part, damming the Nile with bulrushes. Unless a definite, intelligent, and controlling public sentiment supports these commissions, they are able to accomplish but little. More frequently they have quietly fallen into the hands of the railroads.

§ 4. The most prominent and pushing of the social problems raised by this sudden extension of commercial processes is that of railroads. They invite attention because of the magnitude of the interests which they themselves embrace. In 1893, there were 176,461 miles of railroad in the United States, giving direct employment to 873,602 men, and costing some ten billions of dollars. The men employed in railroads are very much separated from the community at large. Their mode

of life is peculiar and exacting, and they easily become a class governed by motives confined to themselves. They do not receive the sympathy they ought in their needless exposure to danger, and their own sympathies are correspondingly narrowed. In 1891 the railroads of Iowa employed 27,583 men, and paid in wages \$16,175,400. Questions involving the interests of railroads have been very prominent in the politics of that State, and the railroads have thus become a very important factor in its government. A powerful and solid influence is liable to be thrown at any moment into the political scales in favor of a special interest, narrowly regarded.

Railroads have also an extended and even controlling influence on many forms of production. In the great extension of commerce, due to the increase and concentration of manufacture, and the surprising development of the means of transportation, a very considerable share of values is the product of freights. One-tenth of the total value is referred to this source.¹ Every business in which the freights involved in raw material or in finished products are at all considerable becomes dependent on railroads, and can frequently be brought under their control, or bring them under its control. One of the most formidable and most censurable of monopolies, the Standard Oil Company, was built up in connection with railroads. Railroads have undertaken to determine the fortunes of great cities; to say that, for purposes of commerce, Minneapolis and St. Paul should be as near to Chicago as to Duluth.²

¹ "Monopolies and the People," C. W. Baker, p. 43.

² "The Railway Problem," A. B. Stickney, p. 98.

The unit of measurement in freights is one ton carried one mile. Prosperous roads, like the Pennsylvania Railroad, have reduced their charge to less than one-half cent, while the average cost is about one cent. Freight has been carried from Minneapolis to Chicago for three and one-half mills, hardly more than one-third the cost; and the loss thus suffered has been transferred to other freights.¹ How perfectly the railroads govern all coarser forms of production is seen in the fact that the produce of five acres of wheat can be transferred from Chicago to London for a sum less than is required to manure one acre in England; and that the supply of food for one person one year can be carried one thousand miles for one day's labor. There are no forces, in modern industrial life, that build up and pull down various forms of production in so secret and inevitable a way as do railroads. Not to know what the railroads are doing, is not to know on what one's daily living depends. The community cannot do otherwise than direct a most interested attention to railroads; and this attention is repeatedly forced upon it by some great disturbance in production, or outbreak of violence incident to their action. Railroads do not, perhaps cannot, under existing circumstances, keep the peace. If we leave railroads under the precedents already established by their own enterprise simply, we may expect every form and measure of personal injury; if with courage and wisdom we enter on their control, we may hope that the magnificent productive power they represent may submit itself to the public welfare.

Railroads demand this more effective attention, be-

¹ "The Railway Problem," A. B. Stickney, pp. 189, 112.

cause the automatic forces we have been wont to rely on for their regulation have signally failed. Economists have looked to competition to correct exaction. Competition almost completely miscarries in railroads. It is often inoperative, and often productive of results the exact opposite of those desired. Natural water-ways, open to all and open through the entire year, do not so much compete with railroads as supersede them in a large class of freights. If navigation is suspended during any considerable portion of the year, a heavy fluctuation of freights is occasioned. Canals, in a few instances, may give rise to wholesome competition; but they often, as in England, fall into the hands of railroads, or are superseded by them, or, as in the case of the Erie Canal, settle down to slow, coarse freight without toll. Railroads can never advantageously compete with each other in rendering the same service to the same territory. Parallel roads involve superfluous expenditure, both in construction and in use, and must either be run at a loss, or make their charges unnecessarily high to meet the double outlay. They are not infrequently built with the intention of forcing a compromise, and, whether so built or not, are quite sure to come under one management, which henceforth does its work at a disadvantage. The very nature of the circumstances makes railroads, in local service, natural monopolies.

Terminal stations, stations which are served by two or more systems of railroads in connection with the same traffic, are relatively few; and the competition to which they give rise is of so unwholesome a nature as to be the constant occasion of combination. Freights are

forced below the paying point, and railroads recoup their losses by higher local charges. Competing roads by no means control their own action. They drift into conditions in which they are at the mercy of freight agents, and accept, in a desperate, blind way, the secret and inadequate terms that may be offered them. They become the sport of circumstances, ruinous to themselves and ruinous to all firm, equal production. The evil becomes so great as to conquer those who have created it. A dangerous element of risk is admitted into business which very few can manage to their profit. As, therefore, railroads come under no adequate economic laws, and themselves create most perplexing and tyrannical conditions of production, they call for a correction quite above and beyond that of their own management.

Incident to this utterly inefficacious and violent competition, there arises a speculative and irresponsible temper that puts railroad management at war with all honest methods. One so well entitled to speech as Charles F. Adams affirms the utter untrustworthiness of railroad managers in their relation to each other and to different customers. They cannot let their left hand know what their right hand does, as the work of the two collated would be self-destructive. They are ready to build up such obnoxious monopolies as the Standard Oil Company, till they themselves become its slaves; or enter into such oppressive combinations as that connected with Spring Valley, or subject themselves to the secret terms which some unscrupulous manager may offer them.¹ They are thus swept in and out, up and down, the helpless waifs of a destructive tide.

¹ "Strike of Millionaires against Miners," H. D. Lloyd.

Satisfactory business methods become more and more impossible, and endless, shifting, illicit devices take their place. A speculative temper, ruinous to production, prevails, combinations multiply, and railroads bear with them a contagion of dishonesty.

A direction in which this temper finds expression is in the extension of railroad systems by construction and absorption. This combination, in itself considered, is a desirable result. Railroads can be run more cheaply and effectively in systems. It would be a great gain if all the roads in the United States were constructed and run in reference to each other. Railroads would thereby be better suited, in their extension, to the demands of commerce, and effort that is now wasted in injurious competition could be directed to better service. In spite, therefore, of the evils which have attended on consolidation, the consolidation itself has been a true productive tendency. Eighty per cent of the railroads of the United States are included in systems of 500 miles or more. The larger systems include some 12,000 miles.¹ But our railroads are so managed that they cannot do good without at the same time doing notable mischief. The Vanderbilt system has been built up and handled with much more than average justice and consideration; yet the Harlem Road was acquired by a corner in stocks, a form of gambling as much more debauching than other forms as it is more extended and tempting. The career of J. Gould bore to legitimate business much the same relation as did the holding-up of stages on the plain to gold production.

The public may also assert itself in connection with

¹ "Monopolies and the People," p. 45, 167.

railroads because of the part it has taken in their construction. The contributions of individuals, towns, cities, and the general government to railroads, especially in their earlier history, has been very great. Many towns are still bearing the burdens thus incurred. Two hundred and fifty millions of acres, and one hundred and eighty-five millions of municipal bonds, have been granted for this construction.¹ The Union Pacific Railroad is bankrupt in reference to its obligations to the United States, yet individuals have made great fortunes in connection with it. This has been by no means an unusual experience in railroading. The fortunes of those who loan money and hold stock are quite other than the fortunes of those who handle them.²

The public has also granted these roads a valuable franchise. The state habitates each road, to the extent of securing a right of way, with its own sovereign authority; it should, therefore, be watchful as to the use made of this power, and feel itself bound to the amplest protection of the public in thus loaning its own exclusive right.

In defending the intervention of the public, it has been also urged, that railroads are public carriers, and that common law, as the result of accumulated experience, has imposed, in behalf of the general welfare, many restrictions on this form of service. The case is much stronger than this plea implies. The profits of a railroad are not secured on a public road, open to the occupation of all, but on a private way, granted by the public to each company for its exclusive use, and more

¹ "American Economic Association," vol. i. p. 68.

² "Monopolies and the People," p. 94.

or less inconsistent with similar grants to other persons. The risks and inconveniences which the public may suffer from this form of traffic are not slight and avoidable, like those which gave rise to the law of carriers, but exceedingly great, and beyond redress. A disuse of its rights by the state, for a considerable period, so blinds business men that they regard these rights as non-existent. They come to think that railways are entitled to the same exemptions as private undertakings. When the State of Wisconsin ventured to put restrictions on the railroads of the State, Alexander Mitchell, in behalf of the Chicago, Milwaukee, and St. Paul Railroad, announced to the governor of the State in a public letter, his determination to disregard them.¹ Judge Ryan, in considering these laws, claimed, with a clear comprehension of the case, that the common law remedies were wholly inadequate to meet the dangers involved in railways, and that other principles and methods commensurate with the exigency should be adopted.² The railroad brings us to a turning-point in civilization at which there must be a new assertion of power or a fatal loss of liberty.

One more reason why railroads, with all their beneficence, may easily become social forces inimical to the public, is found in their relation to legislation. They are the offspring of legislation, and they are not easily weaned from it. "The fortunes which have been made are seen to have been the result of dealings in stocks and in titles, the consequences of which, if involving wrong, are rightly charged against the lax legislation

¹ "The Railway Problem," p. 100.

² *Ibid*, p. 207.

Railroads
and Legislation
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which has made such operations possible.”¹ Railroads are an influential, and frequently a corrupting, factor in our state legislatures. They secure and prevent legislation with single reference to their own interests. In some of the States, as in Pennsylvania, this influence is controlling. Everywhere they are the most permanent and important part of the lobby. They anticipate every legislative measure designed to restore the economic and social balance. The public cannot, if it wished, ignore them, for they are constantly in the public path. A just, open, adequate adjustment of rights and obligations is all that remains to it. The alternative is endless indirection, injury, and corruption. Even in our courts of justice, the power and wealth of these corporations so overshadow the law, that the weak hardly dare seek redress. The manner in which we deal with this most novel and dangerous concentration of power, which we ourselves have created, will determine our success in dealing with those inferior corporations which are the giants of our day.

§ 5. The injuries to which railroads have given rise, are first, in their treatment of stockholders, second, in their treatment of the public, and third, in their treatment of employees. Managers have taken the railroads to themselves, and stockholders have been almost as much at their mercy as the public. Managers have frequently separated themselves from stockholders and disregarded their obligations to them. The earlier methods of construction favored this result; and power, once secured, has been easily retained. The number of stockholders, the wide territory over which they were

¹ A. F. Walker, *The Forum*, August, 1892.

scattered, the little direct interest most of them took in the management, the extent to which stock was contributed by towns and cities, the fact that the primary purpose of stockholders was so often simply to secure the road, have combined to aid the officers of the road in controlling stock, in taking to themselves the government of the road, and in running it with slight reference to the interests of those with whom it has been a business investment.

The later method of extending railroads by bonds, leaving the stock in the hands of those already in possession of the parent road, has retained the power thus secured. Railroads have been captured and held against all comers, much as if they were provinces open to any man's plunder. The common method has been through the medium of the stock exchange. The managers have, in addition to the ordinary methods of raising and depressing stocks, the more certain method of running the road itself so as to advance or reduce the value of its securities. If the officers of a road wish to dispose of stock, they can declare dividends, that may be made at the expense of the equipment of the road, or from borrowed money. Stocks are thus given a fictitious value. If they wish to purchase stock, and intrench themselves in possession of the road, they can withhold dividends, using the earnings of the road to improve its condition. They thus, by the same stroke, reduce the nominal value and increase the actual value of stocks. The wrecking of a road is a ready means of taking possession of it with new power.

In the construction of roads, the management often stands in double relations. The manager reappears as

a contractor rendering some service to the road, or as the owner of lands to be benefited by its stations. In the extension of railways, the cost has been frequently met by bonds sustained by the credit of a parent road. The additional stock has been appropriated in whole or in part. The old road has, in the persons of its unprotected stockholders, suffered loss, while the managers have gained power and profit.

This dishonest relation of managers to stockholders is a more direct wound to a sound commercial life than the injuries inflicted on the public. Managers, in sacrificing the primary interests intrusted to them, soon learn to give no heed to the secondary claims of the people at large. These dishonest methods tend to destroy confidence everywhere, and make a most extended and conspicuous branch of business the chosen field of commercial bandits. The loss to the community in the fluctuating value of stocks, in the reduction of the opportunities of safe investment, in weakening the motives to thrift, in displacing sober productive labor with reckless speculation, in occasioning the withdrawal of foreign capital, and in aggravating every tendency to financial panic, is beyond all measurement. The feeble are discouraged, the strong are distressed, the rash are elated, and all are injured save here and there one who has a genius for dishonesty.

This is an evil, however, which tends somewhat to correct itself. If railroad investments are allowed to become universally unsafe, they will, in a corresponding degree, cease to be made. Money cannot be commanded on these terms. We have already paid much more highly than we otherwise should for the construction

of roads, because of the reduced prices at which bonds have been sold. The reckless handling of railroads has lasted the longer, because persons and municipalities, having so strong an interest in the construction of railroads aside from stock, have not been disposed to be critical as to method, or inclined to interpose any obstacle. Moreover, as a road becomes strong, and its management wise and efficient, all minor errors and dishonesties are redeemed in the public mind. Yet these corrections have been slow, and attended with great loss. Whatever the efficiency at length attained by leading roads, there have always been roads, like the Union Pacific and the Atchison, Topeka, and Santa Fé, to keep the public mind inflamed. One who was asked to become a candidate for the presidency of the Reading Railroad said of it, "He had never known it to be handled otherwise than speculatively."

When stockholders are at peace with themselves and prosperous, they not infrequently put the public to a disadvantage by an increased issue of stock in improving and expanding the road, and in appropriating this stock at par. If the stock of a road is worth \$200 a share, and an increase in stock is divided among stockholders at par, instead of being sold in open market, the capital on which the road must henceforward earn profits is correspondingly increased. Thus the Boston and Albany, by securing an apportionment of this character, has confused, by a needless increase of stock, its real claims on the public. Its stock no longer represents the cost of the road. Street railways sometimes earn six per cent on stock that has been quietly doubled in the hands of the holders. Owing to this changeable

and dishonest relation of management to stockholders, and of stockholders and management to the public, the actual returns on stock and bonds are variable, and the nominal value of roads is widely separated from their real value. There are no conditions present from which to determine what are the just claims of roads. All is hopeless confusion. About half the stock and one-fifth of the bonds of railroads in the United States pay nothing. Nineteen per cent of the stock and thirty-seven per cent of the bonds exceed six per cent. Such a nucleus of loss, risk, and dishonesty in the very heart of the business world is a very great evil.

§ 6. The second class of offences charged on railroads is directed against the public. These consist of three kinds of discrimination, — discrimination between goods, between persons, and between places. The injury of railroads to business lies not nearly so much in absolute rates as in relative rates, not in distressing commerce as one whole, but in making its terms unequal between man and man. This is a more serious offence than high charges.

Each of these discriminations on the part of railroads has, within narrow limits, a just basis. This fact has been first the occasion, and then the ostensible justification, of the wrong. It also cuts us off from the simple remedy of prohibition.

The first discrimination is that on goods. The most simple principle regulating charges is the amount of service rendered, the weight carried, and the number of miles which it is carried — omitting for the moment the different degrees of convenience and risk associated with different goods. This principle, though

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*1. Goods.
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going but a little way in settling freights, is always present.

A second principle of equal practical importance is what the goods will bear. A large portion of the products transported would be stopped at once if freights were charged on a general scale of weight and distance. More bulky and less valuable articles as coal, ore, iron, cannot bear the prices which would express the service rendered in connection with the mass of manufactured goods. Another way of looking at the service performed finds entrance; to wit, the advantage that comes to the shipper. What can he afford to pay and still re-

(2) Shippers tain the terms of a profitable business. This principle, what the goods will bear, may lead to very high and to very low charges. A railroad carrying freights to and from secluded silver and gold mines may impose very high rates, or on iron ore transported to distant smelting-works it may lay very low rates. The charge is determined by the nature of the business nourished, and lies between freights so high as to cripple it, and freights so low as to yield no returns to the road.

The debatable ground over which charges may fluctuate is the more extended, in the case of freights, because there are two forms of expenditure in railroads, expenditure due to permanent outlay and expenditure due to running expenses. A road, once in existence, has already met permanent expenditures. These are not altered by carrying more or less freight. The road-bed, the stations, a considerable portion of the employees, remain the same, whether the business done is light or heavy. A large share of the cost of equipment is not much altered by the fluctuation of freights. The addi-

tional cost incident to additional freight is involved in running expenses, consumption of coal, wear of engine and cars, additional help. The charge, therefore, which yields a profit to a road taken as one whole is widely different from the charge which enables it to cover running expenses, and something more. It may be for the interest of a road, in view of future business, simply to cover by its charges the actual expense of carriage, and all beyond that counts towards a return on permanent outlay.

For clearness of apprehension simply, freights may be divided into independent, dependent, and reciprocal freights. Independent freights are those which rest exclusively on the service rendered, and are intended to yield the railroad a return on its entire expenditure. The goods bear the same rates under a remunerative traffic. The independence, however, is not that of any one shipper, but of all shippers collectively bearing together the cost of service. If the traffic is increased or diminished, the rates experience a corresponding change. Dependent freights are freights granted as accessories to a self-sustaining line of business. They are only partially remunerative, and are to be judged only in connection with the entire trade. One may send daily by team goods to a neighboring village. The cost of this transfer would represent independent freights. The wagon returns empty. The carrier may prefer a return load, though the price paid is much less than the charge on the goods for which the service has been established. This reduced charge represents dependent freights, freights that are carried because of other more remunerative work. If the return commodities pay simply their

own additional cost, they are wholly dependent on the stronger traffic which makes this form of transfer possible. Both independent and dependent freights mark extreme points, and do not express, except to a very limited degree, actual charges. The goods offered for carriage vary in their ability to bear freights through the entire scale of prices, and are constantly fluctuating in their position on that scale. The prices paid at one point ought to effect the prices paid at all points.

Hence we have, as the composite result, what we have termed reciprocal freights, charges suiting themselves ever more accurately to the entire traffic with which they are associated, charges which combine both principles, service rendered and what the goods will bear. A schedule of prices so constructed is alike favorable to all parties. The higher freights are reduced somewhat by the lower freights, and the lower freights, mounting no faster than the business involved will allow, are aided by the higher freights. The railroad profits by each and all of them.

All, or nearly all, freights are reciprocal, are charges made in view of a complicated commerce. The practical question is the justness of the reciprocal relations actually in force. The facts combined in any schedule of freights are so many, so obscure, and capable of such different renderings, as to make anything like absolute justice impossible. Burdens are easily shifted from one branch of trade to another. The traffic which can readily bear heavy freights is likely to receive them, and the traffic that is critical and accustomed to concessions is treated with undue consideration. This result follows the more readily because in itself it is so obscure, and

because the power of goods to bear charges is constantly changing. A steady pressure should be applied from beneath to carry up dependent, and from above to force down independent, freights, till they approach each other in well-adjusted reciprocal charges. Ignorance will issue in many errors, and personal interests in many more. There is no limit in these adjustments to the possibilities of wrong, nor to the ways in which wrongs actually arise. Fortunately commerce depends more on uniformity in rates, in each class of customers, than on absolute justice in the arrangement of freights between them.

The chief method by which charges are adjusted is a classification of goods. The freights in each class are intended to express the reciprocal dependence of the different forms of traffic. These classes constitute at best but a rough and inadequate and inflexible solution of the problem, and are complicated by considerations of an entirely distinct character. Goods are subjected to different charges, according to the ease of handling, the degree of risk involved, the promptness of delivery demanded, the relation of weight to bulk. The just reciprocal price, sufficiently difficult in itself to determine, is farther hidden by these accessory relations taken in connection with it.

In a country as large as the United States, the traffic in the different sections is not sufficiently uniform in its conditions to accept the same classification and the same schedule of prices. The much heavier business, and the more varied business, which lies between Chicago and the East, separates it from the business between Chicago and the Missouri River, and still more from the business beyond that river. An effort to secure one system

has not been acceptable, because such a system would issue in the Eastern Belt in higher freights, and freights less well adjusted than at present. When we add to the perplexity of each belt the perplexity arising from the passage of the same goods into different belts, we have conditions which make the confusion of commerce very great. Goods in small quantities, on unusual routes, are open to unexpected and excessive charges; and goods in large quantities, on usual routes, secure exceptionally favorable terms.

Unfairness and dishonesty find their opportunity in making classifications, in shifting goods arbitrarily from one class to another, in a reduction of charges, a rebate within the class itself, in excessive weights, in allowing goods for way stations to be billed at through rates, and in allowing a break in transit, as of wheat for the purpose of milling. With these and kindred forms of secret discrimination, the conditions of an honest business between man and man have been lost, and success has become the reward of the most unscrupulous methods.

Proximate justice, which is all that is attainable under the best intention, is not more important than uniformity and publicity. If rates are well known and fairly permanent, business adjusts itself to them. Those engaged in the same form of production have equal terms. One of the requirements of the Interstate Commerce Law was the publication of freights and a notice in advance of all changes to be made in them. The law has been ineffectual in two respects. Secret rates have still been given, and the printed schedules have been arranged in so obscure a form, and been followed by so

many changes, dependent in interpretation on each other, as to lead to hopeless confusion.¹

Out of this changeable medley of mischievous facts, mischievous to the public and mischievous to the railroads, nothing can bring order and the conditions of prosperous commerce but wide, patient control, directed to the ends of equality and publicity. Any one road is unable, however much it may wish to do so, to correct this evil. The roads are often as much the victims of these enforced and unfortunate results as the agents in them.

This unmanageable perplexity is the result of an expensive and blind competition, which is incapable of either fully understanding or controlling the conditions under which it is operating. Competition is peculiarly sharp between railroads, because of the very immediate and disastrous consequences of being underbidden, and because the weaker and less responsible road has an advantage over the stronger and more responsible one. A road that is at no pains to pay dividends, that is satisfied with meeting running expenses, carries, compared with a road whose stock is at par, a very light burden. The only way in which its low freights can be met by a responsible road is by dropping charges below running expenses, and exhausting its competitor by these ruinous rates. It cannot leave the bankrupt road alone; if it does, its traffic soon slips from it. It must compel its unscrupulous rival to come to terms by making its expenditures an actual loss. In this struggle the stronger road regains the advantage of its strength. It can endure the longer the wasteful strife. The object

¹ "The Railway Problem," A. B. Stickney, p. 138.

of all parties to the contention is to inflict as many losses as possible on other competitors, and so force an issue. The escape is found in the concession of such rates as restore the normal balance of trade and give each road its due share. The agreement by which this restoration is secured is a pool—a word of ill-omen, because it implies combination, a suspension of competition. The competition whose absence we deprecate is not a wholesome law of production, but a bitter and ruinous strife, in which the interests of the railways and of the public are alike sacrificed. A few, for a brief period, may have profited by the low rates; but these unimportant gains have been secured by a fluctuation of freights that carries unforeseen and unavoidable danger everywhere into commerce. In 1869 fourth-class freight varied on competing Eastern lines from Chicago from 82¢ to 25¢ per 100 lbs.; in 1875, from 60¢ to 20¢; in 1876, from 45¢ to 16¢. Gains here and there by profits which excite and disturb trade are no compensation for the fluctuations incident to them. Pools have not, as a rule, resulted in exorbitant rates; they have simply restored normal conditions.

Pools have taken two forms, a division of freights, leaving the goods to take their own course, and a division of goods for carriage between the roads. In 1884 the latter method resulted in the redirection of only 2.6 per cent. of the traffic involved.¹ The rapidity with which goods are shifted from road to road by lower freights was illustrated in the results which followed the prohibition of pools by the Interstate Commerce Law. It was shortly found that the Trunk Railroad

¹ "The Public Regulation of Railways," W. D. Dabney, p. 147.

was carrying 33.8 per cent of the traffic, and the Fort Wayne but 11.8 per cent. The stronger road could no longer control the weaker one.

the virtue of Pools. The prohibition of pools should have been accompanied by the power to regulate freights. Pools are the only method by which competing roads can constrain each other. If these are forbidden, they should be replaced by some other form of regulation. It is a total misapprehension of competition, as a productive principle, and of the circumstances under which a cutting of rates proceeds, that leads us to condemn pools. We are governed by words, rather than by ideas. There may be a more ideal result than pools; but pools are ideal as compared with a malevolent, unrestrained reduction of freights, though we choose to call it competition.

§ 7. The second form of discrimination is between *2. Persons* persons. This is one of the most mischievous forms, *p. 379.* as it destroys all conditions of justice, equality, between man and man, and proceeds wholly in secret. One engaged in the produce business in a large city finds his traffic, for unexplained reasons, slipping from him. He goes West to the sources of supply, and discovers that lower freights have been granted to competitors. He immediately bestirs himself to secure better rates. He returns to his place of business, and shortly finds that all the irrigating streams of commerce run his way, and that his neighbor's fields now lie parched. All goes well till some one else meddles with the water at its fountain.

Great monopolies, like the four great companies at Chicago which have so long governed the meat mar-

ket, stamping on every village and country market and cart in New England, "Chicago Beef," owe their growth to railroad connections too powerful to be broken. The commercial world has never seen more numerous, more extended, more injurious monopolies than those which have now come to control trade in the United States. Two cars containing butter arrive in Boston the same day, one from a retired station in Vermont, one in the great line of trade from Iowa. The first is delivered in a common car in poor order; the second in a refrigerator car, in excellent order, and at rates not exceeding those charged the first lot. No natural footing for business remains to the average citizen. Each man and each company get what advantages they can steal, and no others; and this perpetual pilfer is called competition, and takes to itself the authority of an economic law.

Fortunately the conditions are more simple in this form of discrimination than in either of the other two. Direct prohibition is admissible with few limitations. Any action which interferes with rates, uniform for all, is a gross injury to commerce, and destructive of individual rights.¹

One simple principle comes in as a limitation of this equality. Large shipments have a claim for better terms than small shipments. This principle, capable of easy perversion and readily made a cover for illicit freights, can only be admitted in a rough, partial form. The charges on a car-load may be less than those on a smaller amount. A car-load, as an arbitrary unit, does not quite meet all the differences of labor involved

¹ "Railway Secrecy and Trusts," John M. Bonham, p. 72.

in smaller and greater amounts, but it is a near approach to justice. It cuts off the large shipper from that exaction which he soon comes to exercise over railway service. If the open rates, enjoined by the Interstate Commerce Law, had been rendered in good faith, this form of discrimination would have disappeared. As a matter of fact, it has only been the more carefully concealed.

§ 8. The third form of discrimination is between places. It may be between way and terminal stations, or between terminal stations. Here, as in the first form of discrimination, we are confronted by conditions so complex that it is not easy to determine what the demand of the public welfare is. Different places have, by virtue of position, very diverse advantages as regards commerce. These diversities are natural; we guide our actions by them; we attach no injustice to them. Railways are artificial channels of commerce. Are we bound, in the management of them, to reduce as far as possible these inequalities; or may we leave them as they are; or may we enhance them? It would seem that the just answer, in a general form, would be, that the railroad may recognize these inequalities of natural advantage, and work under them; is neither bound to overcome them nor at liberty to enhance them. A railroad, like the New York Central, may reach its destination by a comparatively direct line lying through a territory of large commercial resources. Another road, like the Erie in its early history, may pursue a circuitous route through a more difficult region yielding less traffic. Where two roads, like these roads, reach a large centre as a common terminal, is the less

remunerative road to be put to the further disadvantage of subjecting its way business to charges determined by through freights? If it is to have a share in the through traffic, it must accept the rates assigned by its more fortunate competitor. If it must at once reduce its charges through its entire course to suit these new conditions, then a costly, restricted, and difficult service is compelled to conform itself to a large and prosperous traffic. The railway is forced to equalize, in part, the commercial advantages of places very differently situated. Such a road does not simply develop the region through which it passes, it is compelled to reduce its rates quite in anticipation of development. If, on the other hand, it is allowed to charge way stations higher freights than it receives on through traffic, a service less in amount is made to pay more than one greater in amount. This apparent anomaly makes the shipper very confident that he has suffered wrong. The freight at one time on a carload of potatoes from Rochester to Philadelphia was \$48. The charges at the same time to Wilkesbarre, a station 143 miles nearer Rochester, was \$60. A carload was shipped to Philadelphia and stopped at Wilkesbarre. The road sent in a bill for \$12.¹

There are three cases in which relations, difficult of solution, are liable to arise. A railroad starting from a commercial centre may, by a costly route, reach a seaport, and encounter water freights. A railway from New York to New Orleans is an example. Shall the rates to all the intervening places be affected by rates conceded at New Orleans, as a means of securing

¹ "The Public Regulation of Railways," p. 106.

through traffic? A railway may unite two great centres of distribution, like New York and Chicago, and yet in the greater part of its course render a local and narrow service. Shall the advantages and disadvantages of competing routes be equalized because of the trade they share in common? Two railroads, starting from the same centre, may enter a remote and productive region, as a certain section of the Mississippi Valley, from opposite extremities, and there running parallel to each other serve the same territory. They compete with each other along this overlapping portion of their lines. The movement of trains which increases the distance on one road will diminish it on the other. There will be some station at which the difference between the two roads, in the distances of carriage, will be at a maximum, and may be very considerable. The freights at this station will be ruled by the shortest route. The longer route must necessarily accept these charges, if it is to be a partaker in the traffic. If it is also compelled to suffer loss at many other stations, by grading its freights to this lowest freight, it may easily be the worse for the new business it has secured. Neither of the roads could charge, at any of the stations which they hold in common, a higher rate than that which fell to the place giving the longest distance on the one road and the shortest on the other.

Freights, determined thus arbitrarily by distance, are not reasonable, either in reference to roads or shippers. Suppose a road, at heavy expense, to have penetrated a rough, and relatively unproductive, region. Suppose the question is open to it whether it shall press on to a seaport, and so give the territory an outlet in both

directions. Way stations would find their advantage in such an extension, exactly as they found their advantage in the entrance of the road. Suppose the road to run from New York in the direction of New Orleans, and to have reached Jackson, Mississippi. If it proceeds to New Orleans, it gives commerce to way stations by both outlets, and itself secures through traffic. What is the relation of this traffic to way freights? So long as the charges on it are sufficient to cover the expense of carriage, way stations are helped, not harmed, by it. They have the gains of a double communication with no new cost. If, at any time, through freights somewhat exceed the additional running expenses, the road is strengthened and can extend better service to all its customers.

Way stations, under these conditions, may be sacrificed to terminals by accepting through freights at less than cost, the road imposing the burdens thus assumed on its remaining business. This has happened for a long period with heavy expenditure in connection with through freights from Minneapolis and St. Paul to Chicago.¹ Or through freights, though enlarging the revenue of the road, may still yield less than they ought to yield. Or way freights may not be reduced, when the circumstances of the case admit reduction.

Railroads feel secure as to way traffic, they are not attentive to its claims; they feel insecure as to through traffic, and place upon it a high estimate. They are inclined, therefore, to make every possible concession to the one trade, and treat negligently the other. Thus a principle, in itself sound, that a road is not bound to

¹ "The Railway Problem," pp. 98, 112.

equalize natural advantages between different places, but may order its traffic in reference to them, may readily lead, under intense competition, to a great and unjust increase of advantages for terminals, and an unreasonable diminution of them for way stations.

The bad facts which have thus arisen have given rise to the question of long and short hauls, and to the prohibition, by the Interstate Commerce Law, of heavier freights on shorter hauls than on longer hauls on the same line. The problem is too complex, involves too many conflicting considerations, for so simple a solution. An arbitrary rule, itself involving injustice, gives rise to new evasions and new injuries. It can hardly be for the interest of a railroad to open out its traffic in all directions, if it is compelled thereby to submit its entire service, in the charges laid, to that portion of it which is performed under the greatest pressure. It is sufficient that the way station profits by the through traffic, without fully sharing its advantages. The entire relations call for a wider outlook than the interests of any one road, or place, or form of trade offers. The supervising power must at once be ample and impartial. The conflict of interests known as competition creates the evil; it does not solve it.

In a very flexible community, like the West, and one whose^e productive resources are from the outset anticipated and shaped by railroads, the discriminations between places assume large dimensions, and go far to determine business centres. The points at which different systems of roads touch each other gain at once a marked advantage over places whose traffic is dependent on single lines. Population, in itself very mobile, gathers

about these centres, and they soon preoccupy the commercial field. An electric force, acting among steel filings, has no more obviously an arranging power than have railroads in the open and proximately equal advantages of the uniform West.

This is the more to be regretted, because this expansion takes place at the cost of less fortunate persons and places. Freights are unreasonably heavy at one point, and unreasonably light at another. While these results follow from the competition of railroads, they are by no means shaped by any overruling sagacity on the part of the management of these roads. They are an obscure, complex product of intrigue, accident, and the drift of tendencies too strong for those who take part in them. When competing roads reach the same centre they struggle in a blind way for the trade, burdening their present resources to secure it. The results reached follow no wise estimate, but are forced by the roads on each other by a blind conventional policy. "Each manager surrounds himself with a standing army of freight and passenger agents, contracting agents, soliciting agents, advertising agents, travelling agents, clerks, typewriters, and runners."¹ These men, confident and officious, acting with little direction, under a competitive spirit that blinds itself to every consideration but immediate success, determine for each other and for their respective roads methods and rates which have no permanency, and no justification but the caprice of circumstances. The folly and the shame are that events so widely influential on human welfare are left to shape themselves under tendencies at once blind and selfish. The lesson

¹ "The Railway Problem," p. 86.

is that oversight, wider and more potent than any yet exercised, can alone constitute a rational effort to correct these evils. Certain it is that no regulation will be perfect; equally certain is it that regulation ought to be, and can be, made to be partially corrective of these palpable wrongs.

The second form of discrimination between places lies between terminals. This discrimination assumes various forms. The power of railways to divert trade from long established channels, and turn it suddenly, in full flood, in some new direction, is illustrated by the experience of the great commercial cities on our Eastern seaboard. The *Genius Loci* seems to have lost much of its power in the presence of this new Demon of traffic. Boston, New York, Philadelphia, Baltimore, have their systems of roads which guard their respective interests, and agree on rates designed to maintain the existing balance. Boston defends the Trunk Railroad in its immunities, because it offers a channel of trade westward largely its own.

Railways undertake to neutralize strong natural advantages, and by their own edict determine what cities shall be built up, and what cities shall decline. The Chicago, Milwaukee, and St. Paul Railroad determined to make every station on its route as near to Chicago as to Duluth. The difference of distance contended with at the chief points of shipment, St. Paul and Minneapolis, was two hundred and forty-four miles. Wheat and flour were carried for three and one-half mills per ton per mile.¹ The development of Superior and Duluth has been much retarded by this policy; the commerce

¹ "The Railway Problem," p. 43.

of many places which had no interest in the arbitrary *dictum* of a railroad was burdened by it, and great natural resources, in whose development we are all concerned, were made unfruitful.

The American mind is so humbled and subdued by the very notion of business that any bold method, no matter how unwarranted and pernicious it may be, is looked on as something heroic. The public welfare, as one whole, is far better subserved by accepting the natural conditions which rest upon us than by any persevering contention of interested persons against them. The struggle that thus goes on between place and place soon surrounds itself with the same unreasonable and destructive passions that characterize the contentions of men in war. The public welfare is far better met by the wider distribution of advantages which is connected with natural gifts, than by this forced concentration secured by a stringent competition. Chicago, as an intervening point of distribution, defends itself constantly, by means of railroad rates, from secondary centres farther west to which a portion of her enormous business would naturally fall. Omaha and Kansas City struggle with freights that favor Chicago. A discrimination in behalf of live-stock and against meat products on the roads between these cities and Chicago help to make Chicago the cattle market of the United States. On the other hand, there is a series of cities more remote from Chicago, as Kansas City, Omaha, St. Paul, and Minneapolis, that are favored in comparison with intervening cities and with places beyond the Missouri. Light rates to these distant centres carry freights through intervening towns, and heavy rates beyond them

make them centres of distribution. Thus the city of Lincoln, a few miles west of the Missouri, could secure the rates of Omaha only by a severe struggle.¹

§ 9. Our railroad system has grown up under the caprice of circumstances, lawless combination, and the grasping power of individuals, fully subject to the deceptive and short-sighted methods of competition which have often in turn subdued those who have set them on foot. The Standard Oil Company soon held in its leash, as so many hounds, the railroads that ran on its errands. The result has been extensive and grievous wrongs, inflicted on single persons and on the community at large, and also great losses which have overtaken the railroads and their stockholders. This tremendous instrument of production, working like a blind giant, has associated everywhere its immense service with cruel injury. It is plain, therefore, that if comprehensive oversight is designed to play any part in human affairs, here is its opportunity. It was the object of the Interstate Commerce Commission to provide this oversight. The success of the effort has been but partial. The work was too great to be achieved by a single effort. It has brought the problem much more distinctly before the public. It has helped to disclose the principles which must ultimately solve it. It has exerted no inconsiderable restraint on the more unscrupulous methods of railroad management. It has helped to quicken efforts, like those of the Western Traffic Association, which look to more just and systematic methods.

is the
Commission

¹ A. G. Warner, *Political Science Quarterly*, vol. vi. p. 66; "The Railway Problem," p. 52.

On the other hand, it has very generally failed to secure obedience to its injunctions. It has superseded some former methods of regulation, as that of pools, without being able to put anything in their place, and it has shown with increasing clearness that its power was not sufficient for the duties laid upon it. It is now ready to be reconstructed and re-enforced for wiser and more effective work.

Some obvious failures have been indicated. Publicity and permanence in rates have been evaded and disregarded. The law has worked against the long, weak roads by this demand for publicity, by equalizing long and short hauls, and against all roads by forbidding pools. These roads, therefore, having no fair terms conceded them, have evaded the law, and secret discriminations have gained something of their old force.

The prohibition of pools led to the farther extension of combination. If the traffic eastward could not be controlled when it had reached such a centre as Chicago, then it must be laid hold of in advance of that point. Thus the stronger systems have stretched their influence outward as far as possible toward the fountains of trade. The evil of an arbitrary arrest of combination, in the case of pools, has been seen, and is in process of correction.

Great gains to the community are involved in the extension of railway systems. If all roads could be run with perfect reference to each other, the ease, safety, rapidity, and cheapness of transportation would be greatly increased. The combinations which come in connection with competition have advantages, advantages which are often the occasion of the combination, but advan-

Failure of
combination.

tages associated with severe losses. The conflict and confusion along the lines of division between rival systems become the more mischievous. Strong roads overburden themselves, weak ones are utterly crushed, and the extension of commerce is attended by a large and unnecessary loss. Just now the Atchison, Topeka, and Santa Fé Railroad has passed into the hands of a receiver, with unexpected loss to its stockholders, because of this form of management and its towering ambition. The law has not yet mastered these most dishonest and ruinous excesses.

The Commission has been embarrassed by too little power, and power too difficult to use. The task is too great for the means provided. Great evils must be confronted with great resistance. The magnitude of the work and its importance to the public call for increased strength in investigation, in award, and in enforcement. The work of the Commission is not so much judicial, as it is executive and directive. The principles which must guide it are those which are coming to the light in the very circumstances in which we find ourselves, and not those familiar in the courts. Our courts have been in full activity during the entire period in which these evils have overtaken us, and have in no way anticipated them or redressed them. It is sufficient that our courts be left to set judicial limits to practical methods, the methods themselves, if they are to grapple successfully with these powerful, abnormal conditions of commerce, and bring them back to conditions of proximate justice, must be allowed to shape themselves freely to the task which confronts them. The Commission should rest on its own basis, be left to do effectively its own work,

with no appeal to the courts save that which comes with the ordinary redress of wrongs.

The English Board of Trade acts directly in defining and enforcing rates. The Commission, instead of being a body whose main function is to give good opinions, should be one whose duty it is to bring order out of confusion, and to give relatively uniform conditions of traffic all over our great land. The Commission should stand for the executive force of the nation, resting back on the legislative body, and be no more dependent on the judiciary than any other administrative branch.

? The wrongs done to employees which are most directly referrible to management are the occasionally excessive prolongation of the hours of labor; the continuity of labor during the entire week; the unnecessary dangers to which train-hands are exposed. The number of employees killed in 1893 were 2,727; the number injured were 31,729. One employee was killed in every 320 men; one injured in every 28 men. The chief reasons of these accidents are needlessly dangerous couplings and hand-brakes.

CHAPTER VI.

NEW DUTIES IN THE STATE.

§ 1. THE third direction indicated in which the state should respond to ever-unfolding social relations is a willingness to accept new duties. As society develops, new points of pressure and of danger arise. Various forms of enterprise gather force and assume an inimical bearing. These dangers spring up without observation, and in general ignorance of the causes at work. It belongs to the state, making a discovery of these altered circumstances, to readjust its lines of protection to them, to change front to meet the altered relations between man and man, class and class. It does not belong to the state to hold blindly to effete methods. Nor does it do to say that the state is inadequate for this work. We must make it adequate at our peril. It is our organ of defence, and we have no other.

In the last half-century, England has quite faced about in reference to the social interests that demand protection. It has taken a wider and better view of its functions and obligations. Much time is consumed in seeing and in accepting altered relations, and in entering on the forms of action suited to them. These changes are always resisted, because they are in restraint of those for the moment most active and aggressive. Civil reform and those moral readjustments which carry with them new customs and new

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p. 306.
p. 364.
p. 422.

security must proceed together. We can deny neither branch of the correction.

The first example we offer of an altered attitude on the part of the state is that of an extension of oversight, securing a just dependence of the agents of production on each other. The one characteristic of our time, looked at in its productive methods, is combination, the accumulation of great, well-nigh irresistible, power in the hands of a few persons, with a corresponding dependence of large numbers upon them for the means of subsistence. The state, in giving birth to that fiction of law, a corporation acting as one person, has itself been the chief agent in securing this change. The social defences of our time that are wise and well placed must lie between those possessed of power on the one hand, and citizens at large on the other, open to their invasion. We can no longer assume an essential equality of advantages; we can no longer leave a single man, confronted in whatever direction he turns with powerful combinations, to fight out his own unaided battle.

The most recent form which these combinations have assumed, and one that has grown with great rapidity, is that of trusts. We have reached this completion of a tendency, which lay in the facts with which we were

1. dealing, by successive steps; agreements among producers as to prices, the tacit acceptance of prices as established by the strong business firms, pools, corners, the sale of weaker plants to the holders of stronger ones
- 2.
3. 4. followed by a lease to the original owner, and, last of
5. 6.
7. all, the well-organized trust.

In the trust proper, owners and stockholders surrender their claims and stock to trustees. These trus-

*I. Trusts
p. 414.*

*Steps in the
growth of trusts*

tees hold the certificates of ownership, and issue, in turn, certificates which express the claims upon them. The formal ownership rests in them. They control the several plants, regulate the production, and fix prices. They receive the profits, and distribute the dividends under the claims against them.¹

The object of the trust is to give to the combination its most extended, permanent, and complete form, without superseding the various corporations included in it. The corporations, as direct creations of law, are more tangible than the trust, and more readily brought under definite legal regulation. The trust stands back of them, a shadowy presence whose power is absolute, but whose public responsibilities are obscure and impalpable. It is not necessary to success that a trust should include all the producers in a given branch of business. If it represents a strongly preponderating interest, other producers may find it to their advantage to concede the lead, and to enter quietly into the advanced prices. It is only those who insist on competition that the trust is compelled to put down. ?

§ 2. The causes which have given rise to trusts are of a striking and urgent character. While the ever-returning desire of monopoly may lie at the bottom of them, it has been called out by many justifying circumstances. Over-production in machine products has resulted for more than twenty years in fluctuating prices and heavy losses. These urgent dangers have prepared producers for heroic and unscrupulous methods. The pressure has been much enhanced by stock

¹ E. B. Andrews, *Quarterly Journal of Economics*, vol. iii. p. 117.

companies, with costly plants, which could not well be allowed to lie idle, and whose capital could not be recovered. It is for the interest of these large establishments, whose stockholders are not seriously disturbed by absence of dividends, to continue production, force an issue, drive the weak to the wall, and recoup themselves when the field is their own.

This temper, reckless and immoral, is enhanced by the extreme danger, by the speculative methods which convert trade into a form of gambling, and by a growing conviction that commerce under competition is a kind of warfare, in which cunning and unconscientious ways are in order.

These results, so deeply implanted in the circumstances, have been farther accelerated by making law itself in many ways, especially in the form of protection, a means of establishing and maintaining artificial and unequal advantages. Not only is no man likely to resist such an accumulation of motives, he is not likely to fathom their true character, or to regard them as other than inevitable terms which he must accept in the struggle for life.

The facts on all sides disclose ruinous results, results ruinous to any honest productive methods, and to any uniform development of enterprise. One-half the sugar refineries in operation in the United States in 1875, on the seaboard, have failed. The flouring-mills in the United States were, in 1884, 25,079. In 1886 they had been reduced by 6,812; but their aggregate capacity had increased. The furnace stacks in Ohio, Indiana, Illinois, Michigan, and Wisconsin were reduced in the three years following 1885, from 139 to 134, but the product

was nearly doubled.¹ The sudden excess of production, with the crushing pressure in the market, is shown by such a fact as this: 400,000,000 yards of cotton, in 1886, were left in the British market.

§ 3. Not only have trusts sprung up in relief, or at least in mitigation, of this intolerable pressure, carrying ruin in all directions, there are certain important advantages incident to them. It is a gain to escape from unreasonable and incalculable competition, a gain to secure firmer prices, and prices more nearly fitted to the cost of production. Production, guided by a trust that surveys the entire field, may not only be better fitted in amount to the wants of the community, it may also be attended with less cost. Comprehensive management is favorable to skill, economy, invention, and is sure to save much labor wasted on the unfavorable conditions and reduplications which are associated with many independent and weak producers. Whatever may be the gains of competition, there are also great losses associated with its unsystematized and conflicting efforts. Advertising alone, in itself unproductive, consumes a very appreciable part of the product.

It may also be regarded as an ultimate gain that plants which are unfitted to render the best service are slowly gotten out of the way. It was found in Buffalo that only 12 out of 34 elevators were needed. The remaining 22 were left idle under combined action. Even thus the loss was less than that which would have attended on their use and slow extinction.² The whiskey trust reduced 83 distilleries to 14 in use.

greatly reducing the cost of running.

¹ "Recent Economic Changes," pp. 98, 101, 140.

² Legislative Report, American Economic Association, vol. i. p. 19.

The evils which have attended on trusts, extending into many branches of business,¹ have hitherto been far more conspicuous than their benefits. The moral sense of the community has been greatly reduced by them. They have been active in introducing and extending methods subversive of all kindly and just relations between man and man. The reduction of prices, till a weak competitor is driven from the field, followed by an advance which turns transient losses into gains is a method no more contemplated in competition, as an economic principle, than is falsehood or theft. No ways are better fitted to harden men against each other, eradicate human sympathy, and subvert ethical law, than those by which trusts have been built up. We as much need an effort to awaken and enforce a sense of obligation in our business relations, as in a community whose members have stolen from each other in a shameless way, or robbed each other by violence. The Standard Oil Company has had a career of some twenty-five years or more. In 1870 it was planting itself in Cleveland. It is now a gigantic monopoly whose wealth and power hardly find a parallel. This position has been won by every method of encroachment possible under the law, or by any familiar abuse of it, or by its secret violation. It has respected no right or interest which it could not be immediately compelled to regard. It has subjected the railroads to its interests, constraining them to give it rates so unequal as to destroy the possibility of competition. It has forced them to pay it a portion of their own earnings, secured from rivals by

¹ An enumeration of trusts is contained in "Wealth vs. Common-wealth." H. D. Lloyd.

*Standard Oil Co.
p. 16.*

high rates. It has persecuted more obstinate competitors by costly and vexatious law-suits. It has, through its agents at distributing centres, watched the destination of rival oil, and, by underbidding, driven it from the market. It stands implicated in methods directly associated with arson and murder. It has so far corrupted legislation as to restrain competing works from running their pipes under railways subservient to its interests. It has bought large tracts of oil territory in Ohio, and held back the produce by a rate of 15 cents a barrel, while allowing \$1 a barrel for oil from territory it was working in Pennsylvania. Its profits in 1887 are set down at \$20,000,000. On a valuation of \$7,740,000, it paid in dividends, in 1893, \$10,875,000. On \$6,000,000 it issued \$90,000,000 of stock which sold for \$160,000,000. It has done as much as any one concern well could do in the same period to convert trade into a secret, aggressive, irresponsible conflict between man and man, and to subvert all the conditions of honest and prosperous national production. This is to disorganize society.¹

Standard Oil Co

The accumulation of enormous wealth in the hands of a few by methods which have no claim to be called fair fills society from top to bottom with hatred and strife. Such warfare as that at Homestead is but a single outbreak of fires that burn fiercely under the surface of commercial peace. Democratic government is for the sake of democratic society, for terms of prosperity held

¹ *Forum*, July, 1892; "The Railways and the Republic," J. F. Hudson, p. 67; "The Railway Problem," p. 135; "Monopolies vs. the People," Ch. W. Baker, p. 21; "Wealth vs. Commonwealth," H. D. Lloyd, pp. 33, 67, 82; "Railway Secrecy and Trusts," John M. Bonham.

in common. Free institutions are of value in the measure in which they fulfil their function, the protection of social rights. Scarcely at any time or place in the world's history have there been personal advantages so great in extent, and so wrongfully secured, as those that have been gained in this country in the last thirty years.

The history of trusts is much the same. The Sugar Trust so ruled the market of San Francisco that refineries could not be established in the Sandwich Islands. By an agreement running five years the producers of sugar in the Islands were admitted to that market. The Sugar Trust, in case of annexation, was to receive one-half the bounty paid by the government.¹ This single trust has affected powerfully the policy of the nation.

A trust rests on systematized unfairness; it subjects all interests to its own; it encounters free commerce as an enemy. The American Steel Association agreed to sell makers of steel springs, belonging to the combination, steel at \$10 less per ton than to others. A business of many departments, like the making of carriages, may be controlled by an advantage gained at a single point, as in the manufacture of wheels. Sugar refiners and wholesale dealers formed a union in Canada enabling them to raise the price thirty per cent on outsiders.²

It is not easy to express the barbaric temper which invades society everywhere under these unfair relations which have come to be looked on as the normal growth of commerce.

Trusts, in the way in which they are now ordered, as

¹ *The Nation*, March 16, 1893.

² "Monopolies vs. the People," p. 76.

the culmination of the economic movement, smother the moral sense, subvert free institutions, and subject the masses to a searching and inexorable tyranny. Under these conditions the great majority would be born into circumstances almost wholly beyond their control. They would find most of the gifts of life already appropriated. Opportunities, which a quarter of a century since characterized us as a nation, are fast forsaking us.

The ultimate result of trusts, fastened upon us as a permanent method, would be increased profits in all trust products, with corresponding burdens on other products. But as farmers, workmen, those unable to combine, constitute four-fifths of the community, this enhancement of prices means their subjection to the one-fifth. Machinery, in its introduction, gave occasion to outrageous abuses. These were slowly removed by civil law. It is a second time giving rise to more subtle and extended wrongs. These, in turn, must be confronted by a determined spirit of correction. If we suffer a few to master the inventions of the world, instead of subjecting the world to the welfare of the whole, we shall enslave men to one another.

§ 4. Almost all recognize the evil of trusts; yet good citizens are by no means agreed as to the extent of the injury or its remedy. Some, emphasizing the fact that prices have not been greatly advanced, or have in a few instances declined, more or less forgetful of the social evils involved in this change, and thoroughly possessed by the theory of individualism, have insisted that existing remedies are sufficient.¹ These remedies are

¹ "Legality of Trusts," Th. W. Dwight, *Political Science Quarterly*, vol. iii. p. 592.

economic and civic. Under economic law, it is asserted that unusual profits, on the part of trusts, will again call out competition, and so restore the previous condition. But the facts fail to confirm this view. Immense wealth has been heaped up by trusts, and these wrongful gains have simply enabled them to perfect the policy of which they are the fruits. Trusts have more frequently driven competition from the field than has competition driven trusts.

Trusts can be attacked under common law as conspiracies to raise prices. The redress thus offered is wholly unsuited to remedy the wrong inflicted. The ostensible purpose of a trust is to regulate, not to raise, prices. The relation of its action to prices, simple as it may be in itself, is one that admits of endless confusion and litigation. The wealth of the trust is sure to make of the law a convenient weapon of defence and attack.

Trusts, in their complete form, have not been conceded a legal footing. It was decided in the New York courts, in the case of the Sugar Trust, that corporations cannot transfer their powers; that they cannot, therefore, be taken into a more comprehensive organization. This decision, so far as it is accepted and enforced, compels a new method of action, tends to an extension of corporate union, but does not check the movement represented in trusts. The trust falls back one step, and retains the form of a corporation. The existing means of encountering trusts are in no way commensurate with the task. To rely on them is to allow this evil tendency to complete itself.

There is one measure of resistance which is capable of immediate application, and one which would in some

cases seriously check the encroachment, the removal of protective duties from all products dealt in by trusts. The difficulty in applying even this most simple and just remedy, as in the case of the Sugar Trust, shows how strong a hold these bold, attractive, and illegitimate methods of acquiring wealth have on the minds of many. We are willing to build up combinations, like the Trenton Pottery Trust, by heavy duties, when they turn the power thus secured instantly against us in reducing wages and raising prices.

But direct and suitable as this relief is, it does not cover the ground. Many trusts, like the Standard Oil Trust, or the Cotton-Seed Oil Trust, or the Cattle Trust, pertaining to commodities of domestic production, are independent of protection. Trusts, like the Copper Trust, may also arise in connection with international products. It is true that these trusts are very difficult in formation and management, and may issue in extended disaster; but the speculative ambitions of the business world set so strongly in this direction, that the danger involved has not prevented the effort. The great gains occasionally achieved by trusts intoxicate the public mind, and the liabilities of failure are not duly measured either in narrow or wide combinations.

Laws in restraint of trusts are not easily devised, nor readily executed. So far they have met with little success. They will be regarded as wise or unwise according to the estimate one entertains of the tendency expressed in trusts, and of the satisfactory or unsatisfactory character of the results reached by competition. If we look upon present productive conditions, achieved under what has been regarded as economic laws, ade-

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quate to themselves, as unbearable; if we regard trusts in one aspect of them as an inevitable effort to escape by foresight and combination perpetual fluctuations and unavoidable losses, we shall distrust an effort which simply aims to drive those back into the fire who have escaped it, though surreptitiously. What we choose to call competition, a struggle between the weak and the strong for existence, is, in the later stages of production, when the competitors are very unequal, a blind and disastrous method of procedure. It precludes sobriety and honesty. It is the effort of an eager crowd to secure a position in a hall not able to contain half of them. Some powerful rival, like the Standard Oil Company, tramples the rest under foot.

Is it not wiser, then, to accept combination, the inevitable product of our time and of the organizing processes of life, to allow the corporate method which we have created with so much complacency its natural expansion, and, with fresh safeguards, adjust our action to it? A corporation is a public body. It is not entitled to the privacy or the liberty of an individual. It does not come under the same laws or restraints. It has officers, who hold formal and legal relation to it, but who cannot respond by sympathy to social sentiment and personal obligations. They fulfil a duty in a cold, legal way. Not only is the ethical law thus held in suspense—the corporation conscienceless—but the economic law is much modified. Losses are less severely felt, the powers of endurance are greater, the corporation overtops and overmasters the individuals whom it encounters.

The state, therefore, which confers these anomalous powers, begets these legal personalities which so easily

*Industrial Com-
bination is
commended*

develop into giants, may well take upon itself an oversight and a government which we have had no occasion to associate with individual effort. Individualism is no longer in order, because we are not dealing with individuals. It is not right that we should confer immensely increased powers, and give no additional height and strength to the barriers which restrain them. We cannot hold on to the old method when its essential conditions have passed away. Our corporations should be subject to inspection and control in every branch of business, for ends of protection and taxation. Lines of activity and limits of activity should be defined for them, with that elasticity alone which is consistent with the public welfare. If we are not willing or able to do this, then we should not create this new order of things. We are making a social transition from less to more organization, and we must assume new duties. If the state refuses oversight, and at the same time puts perspicacious and unscrupulous men at the head of companies, regiments, and divisions in the army of industry, the community is sure to suffer violence and to be preyed upon in the entire circle of its rights. The very sense of commercial right is soon lost. If we are to retain corporate power, our present great instrument of production, we must learn to restrain it with a strong, even hand. Combination, an inevitable incident of progress, must be accepted and brought into submission to our common life. There is nothing safe in our time but widespread and potent intelligence, systematic and thorough action.

p. 412.

¹ "Monopoly vs. the People," p. 255; "State Control and Corporations and Industries in Massachusetts," George K. Holmes, *Political Science Quarterly*, vol. v. p. 411.

*II. Patents
§. 402.*

§ 5. A second example, somewhat akin to the one just given, of a demand on the state to accept a wider responsibility, is found in the issuing of patents. Patents, in themselves a wise and liberal device, have suffered, in their development, grievous abuse. They have often been diverted from their ostensible object, the reward of invention, and made the means of monopoly in the hands of those who have given little heed to the claims of the inventor. Management, which we are accustomed to call capital, has gained a kind of omnipotence which enables it to appropriate much of the reward designed for the inventor. The inventor does not bring his invention to an open market. He deals with a few, often with those who have adverse interests. He can do nothing by himself, and is frequently pressed by personal wants. The result is that but a small portion of that advantage which the law designs for the inventor reaches him. Most of it, by misdirection, passes into the hands of the manager, who has rendered to the public no peculiar service. The tax falls on the community, but does not reach its ostensible object. We make laws, and are careless whether they fulfil their purpose. Then we are given, as a correction, another dose of the philosophy, we should not make laws.

It is true that the manager contributes to the success of an invention, and so enters into its advantages; but this is no reason why the law should be allowed to miscarry in his hands, and he be suffered to take to himself, at the expense of the public, gains by no means his own. If we are to leave the inventor to struggle as he may with those who are willing to rob him of his

reward, why did we step in at all? This struggle went on without the law, and we interfered to make sure of the success of the inventor. Why should we leave the work half done? Why should we allow large gains to be wrongfully secured at our own cost? Our patent laws, like our corporation laws, need to be reshaped to their proper ends, need to be enforced in full view of the pertinacity and power of those who are perverting them. Men who are eager in the use of law as a means of creating inequalities, talk in a very inconsequential way of the futility of looking to law for aid when the purpose is to secure just conditions of production. Zeal is not wanting in wrenching the law from its real service; it only fails us when we strive to restore it to its true position.

Patent laws are now at fault in allowing unreasonable profits, and in allowing them to accrue to the benefit of those who have appropriated, not rendered, the service rewarded by them. It is said that the gimlet-pointed screw has been worth to the manufacturer \$10,000,000. One may keep in his employ an inventive workman, and realize from his ingenuity more thousands than he receives hundreds. A large business firm, dealing in coffee, owed to the invention of an employee a method of doing up packages that saved them annually many thousand dollars. The Bell Telephone Company, in the years 1885-6-7, made profits ranging from 110 to 116 per cent. When a renewal of the Howe patent on sewing-machines was asked for, it was shown that the profits had already reached a half million dollars. The application was refused, but the period of patents was changed from fourteen to seven-

teen years. The present method of rewarding patents deliberately neglects results. A hand is put into a pocket containing gold, silver, and copper coins; many are dropped on the way out, and what chance to remain are given to the claimant. Under an outworn saw about justice, a bandage is tied over the eyes of a public servant as a first condition of action.

2 . A second abuse to which patents are constantly leading, is a delay in issuing patents, and an interlocking of patents, so as to secure, for a period much longer than the law contemplates, a given line of business. If robbery can only be gotten under the forms of law and under the ordinary methods of business, we accept it with much contentment.

III. Municipal
Franchises.
p. 402. 414.
§ 6. A third direction in which the community should be ready to exercise its own rights is found in our municipalities, in the water-supply, light-supply, and street railways. The imperative reason for an assumption of control is that these forms of business are natural monopolies, and cannot be regulated by competition. The work can be done perfectly and cheaply by one system only, covering the entire area under consideration. These branches of business involve also an occupation of the streets, which subjects the public to much inconvenience, and which is often secured and attended with much corruption. With the growth of population, they become franchises of great value, that rest as a permanent monopoly in the hand of powerful corporations. If there is any plain unearned increment which the public ought not to throw away, with the double injury of its own loss and the unequal distribution of opportunities, it is the growth in value of these public appliances.

There are many examples in this country, and still more abroad, of a successful and profitable rendering of this form of work by municipalities. Philadelphia, Richmond, Danville (Va.), Alexandria, Henderson, Wheeling, Bellefontaine, Hamilton (Canada), furnish their own gas. Most of these cities have paid for their works out of the receipts, while furnishing gas at rates lower than those usual. They are earning from five to twenty-five per cent.¹ The success of these and like undertakings in some foreign cities, notably Birmingham, is marvellous, and may well bring to us a sense of humiliation.²

Much corruption is escaped by the assumption of these public labors. Strong corporations, securing large profits from a franchise in many changeable ways interwoven with public interests, become sources of illicit action in their entire history. They purchase advantages, on the one side, and are blackmailed on the other.

Over against these gains are to be placed the possible mismanagement and corrupt management which may attend, and in this country often do attend, on public affairs. Thus it has been said that 2,000 unnecessary employees are attached, for political purposes, to the gas-works of Philadelphia.³ The arguments against municipal enterprises seem often to prove the exact opposite of what they are intended to prove. Our excessive and uncontrollable individualism has made us incapable, in a high degree, of honest, effective, combined action. The cultivation of one power has lost us another equally valu-

¹ Prof. E. W. Bemis, *Independent*, May 28, 1891; also *Monograph*, by the same author, American Economic Association.

² "English Social Movements," p. 71. *"Social Horizon." Quon.*

³ Frank Morrison, *Forum*, August, 1892.

able power. We need more of that drill under public duties which is the strength of such a nation as Prussia.¹ We are like excellent but raw recruits in an army; we are impatient of the discipline which can alone fully develop our powers. To surrender military tactics is as fatal to the highest success as to crush out individual energy. The organization of society, though freer than that of an army, is none the less an organization with organic claims.

Our municipal governments are breaking down — measurably in the case of Philadelphia — because every man has been trained under individualism, every man is in search of his own, and few are ready to render conscientious work to the public. In no civilized nation is there less sense of responsibility to the public welfare than in many of our cities. This is the ugly reverse of that individualism in whose obverse, of independent activity, we are so delighted. What matters it as proof that Philadelphia cannot order her gas-works honestly? She can do nothing honestly. The dishonesty in this single undertaking is simply a corollary of the dishonesty everywhere, and the general dishonesty expresses the general failure to accept public responsibilities. This want of honesty is striking much deeper than the management of gas-works. What we most urgently need as a people is the mastery of intelligent, responsible, collective action. This is a lesson in harmony with our age, and in harmony with our free institutions. We are learning it for all purposes of personal acquisition, and

¹ "The people of the United States have a larger share of administrative awkwardness than any other civilized population," Amos G. Warner, *American Charities*, p. 174.

unlearning it in all that pertains to the public welfare. We confront an overwhelming monopolistic temper with an individualism that leaves us free to unite against the public welfare, and with little or no power to combine in its behalf. We plead the business sagacity with which private enterprises are carried on, and forget the extent to which, by means of them, wealth is accumulated in the hands of a few, one per cent of the people holding as much wealth as the remaining ninety-nine per cent.

p. 423

Have we any right to boast of an activity so directed? Nor can we be properly told to honestly order primary functions before we add needlessly to them. The exacting, eager individualism which we are confronting is in a large degree the cause of this corruption and weakness. It is in the water, not out of it, that we are to learn to swim. The future belongs not to an individualism which disintegrates society by ever-widening conflicts and subverts the conditions of our common life, but to an organic force that compacts and harmonizes all powers in the pursuit of common purposes. We despise the skill with which Prussia perfects the public service, and yet there is a point of view from which it ranks much higher than our individualism, which breaks down in weakness and corruption the moment we assign it any worthy task.¹ We ought to husband the resources of our cities, if for no other end than that of winning the power of self-government.

It may be said that many of these undertakings are, in their earlier stages, unprofitable, and that we shall subject the public to unnecessary losses or unnecessary

¹ "Railroad Policy of Prussia," Gustav Cohn, *Journal of Political Economy*, vol. i. p. 179.

delay in developing them. This is true American reasoning. It is of no moment, if the public shifts its losses onto the individual; it is of no moment if the individual thrives at the expense of the public. We are forever, in our democracy, antagonizing the two sets of interests which we ought to be forever uniting. Nowhere is the public subjected with less scruple to all the shifty tendencies of personal competition than with us. If an individual can afford to take the risks of a street railway, still more can the public whom it accommodates. We shall have no sound moral sense in reference to our collective interests, till we distinctly take them up on their own basis.

The same reasons which apply to street railways apply in a less degree to telegraphs. A very valuable franchise has been placed by us in private hands, and subjected to monopoly. The country is everywhere perplexed and disfigured by unsightly and inadequate telegraph poles. The use of the telegraph is far less general than it might be. The telegraph, like the post-office, should be an instrument of the national life. The English, most like us in social temper, have accepted this service and are successfully performing it.

Answer will be made, Herein lies the mischief of the reasoning. "We are started with the modest undertaking of a street railroad, and we bring up in labors that cover a continent. This is but a prelude to the assumption by the state of railways, and so the mighty project grows, till the power of the individual falls into its shadow and disappears."

Social strength, in the end, must be found in an equilibrium of the two tendencies, individualism and collec-

tivism. We are suffering grievously by the excess of one of them. Whatever danger may come to us from Socialism, will arise from an unreasonable resistance to the organic force which is pushing into our lives. No principle, however sound, can be applied blindly and universally. Growth must have its way. To refuse to walk lest we should be compelled to run, or to run lest we should be forced to fly, is not reason, and prepares the way for that violence which we most dread.

Many sound reasons can be given why railroads should be public highways, but the undertaking is beyond our present attainments. We are being schooled by the effort to regulate them, and it is well for us to accept that discipline till it leads us to a finish. All that we have urged is simply a slow, empirical extension of public activity into fields nearest to it, till we gain the power and the spirit of united effort, and can confront once more the force of our individual life with the force of our collective life. Individualism alone is tyranny, and far more when it is the individualism of a class of men than of one man.

CHAPTER VII.

THE STATE IN THE EXERCISE OF ITS RIGHTS.

4.
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§ 1. A FOURTH consideration in Sociology is the manner in which the state exercises its rights. The most constant and comprehensive right of the state is the right to support. It expresses itself in taxation. Taxes are products, services, or credits taken from its subjects by the state for its own uses; "contributions imposed by the government on individuals for the service of the state."¹ The interests of the individual and the state, widely contemplated, are identical. The conflict, so conspicuously developed in taxation, is due to the method of taxation, to wasteful expenditure, and to a disposition, on the part of the citizen, to shirk his own proper burden. Taxes that are laid for fitting purposes, that are judiciously imposed and prudently expended, commend themselves as completely to sound reason as any class of outlays whatever. It is a grievous social wrong that the true temper of society should be so utterly reversed in taxation; that a sense of evasion, unfairness, and injury should pervade it everywhere; that the very pursuit of justice should be characterized as "academic."

While there is an unreason in men that may explain a part of it, the chief ground of this hatred of taxes is

¹ Definition of Webster and Story, Judge Miller's Lectures on the Constitution of the United States.

the unfairness with which they have been laid. The exemption of the nobility and clergy in France, prior to the Revolution, a most important provoking cause of that outbreak, was only an extreme form of methods almost universal. Taxes still fall heavily on the poor, as contrasted with the rich. If, in our own country we were to divide citizens into the rich, the well-to-do, the comfortable, and the poor, the burden of taxation would be found to rest chiefly on the two lower classes. Seventy-five per cent of the savings of labor is taxed as against three per cent of wealth.¹ Ninety-seven in one hundred pay three-fourths the taxes and own less than one-third the property.² It has been affirmed that the balance between the poor and the rich in this country is altered each year to the extent of one billion dollars by the form of taxation.

Proof ?

see p. 419

The money raised in this unequal way has been expended with great prodigality. Pensions have been conceded not only to those abundantly able to care for themselves, but even to the affluent, and to those whose service would bear no inquiry.

Honesty, honor, patriotism, have been habitually and extendedly sacrificed by the citizen in evading taxation, each evasion making it more unjust. One occupied with taxes in Ohio said, "There is not a rich man in Ohio who has not perjured himself." "In a struggle between conscience and interest in good men, interest wins."³ Though this assertion may be often true in other di-

¹ "Federal Taxes and State Expenses," Wm. H. Ives, p. 123.

² "Henry George's Mistakes," Th. G. Shearman, *Forum*, vol. viii. p. 40; "The Coming Billionaire," *Forum*, vol. x. p. 546.

³ "Economic Interpretation of History," p. 460.

rections, it is pre-eminently true in connection with taxes. Oaths which the state imposes are little heeded. The reason of this lies in a bad past, and in a present so vicious in method as to be incapable of anything approaching justice. Men's morals on this subject have been formed in the worst of all schools, that of habitual injustice. Farmers in France before the Revolution paid four-fifths of their income in taxes.¹ Concealment and falsehood were their only weapons of defence. The hereditary taint of wrong is still with us, when circumstances are greatly altered. Taxes still remain in many countries, and pre-eminently with us, on so unsound and so unequal a basis, that the sense of right is constantly shocked and seems finally to utterly give way. No fair appeal can be made to patriotism in connection with them. A candid and honest temper is punished by undue impositions. Truth oftentimes makes the complex result more unjust than it otherwise would be.

The underlying principles of taxation have not been so presented and applied as to appeal to the general conscience, and lay upon it a fair, uniform law. Social and ethical development are both crude. Men as citizens fall below themselves as men.

§ 2. The four rules of Adam Smith have been spoken of as inadequate and "trivial," and yet they contain a fundamental idea, and important particulars under it.² Briefly they are, that subjects should pay according to 1. their ability; that the amount, time, and manner of 2. payment should be fixed; that the convenience of the 3.

¹ "The History of the Eighteenth Century in England," vol. v. p. 380.

² "Political Economy," F. A. Walker, p. 489.

Why?
was this
what
Rousseau
meant?

4. taxpayers should be considered ; that the state should take as little as possible beyond the sum which reaches the treasury. These rules may be made more explicit, and supplemented by other rules, but they themselves will be heeded in every good system of taxation.

The word taxation more frequently directs the mind to money contributions for the support of the state. The primary principle of this contribution is that it should be according to ability, according to one's command of wealth. This principle meets the notion of justice, equality between citizens. The comparison pertinent to the case lies between burdens and the power to bear them. A caravan is well loaded when each animal is assigned a pack according to its strength. Tasks are fairly laid when they consume proximately equal portions of time and labor.

The principle is not only just, as between citizens ; it is right. Ability measures obligation. We are under obligation to sustain the state according to our ability to sustain it. This principle is applicable, and the only principle applicable, to other forms of service. Some communities have required of their citizens the performance of the duties of offices to which they had been chosen, and we at once feel the want of patriotism in refusing appropriate positions of trust. Military service, by far the heaviest burden of all, is laid exclusively, and often laid imperatively, under this principle of ability. The fact is the more significant as this very unwelcome duty falls chiefly to the able-bodied poor. If, when we are dealing with the poor, we unhesitatingly apply the principle of ability, what reason have we for not adhering to the same principle when the

relatively lighter burdens of the rich are under consideration?

How, just?
How break
down?

This principle will also produce the most harmony, good-will, and patriotism among citizens. Taxes ill-advised and unequal beget restlessness, resentment, evasion, and social weakness. Just wars, as in our Revolution, break down especially under unequal taxation. A tax that is closely associated with ability is more likely to fall on luxuries than on necessities, on expenditure than on capital. Thus the community is less pressed and less harassed. It feels confidence within itself in its own spirit and methods. The poor are, as a rule, more patriotic than the rich, simply because they are accustomed to bear burdens uncomplainingly.

This principle of ability best combines and reconciles other principles. It is asserted that taxes should be proportioned to expenditure, because expenditure is an indication of power. The principle is thus identified with that of ability, but is stated in a narrower and less guarded way. It is also urged that taxes, thrown on expenditure, rest on the unproductive resources of the community. This is equally true whether the tax follows outlay or follows ability, unless the outlay has become prodigal. To undertake to pursue and chastise this vice by taxation is to divert taxation from its proper purpose, to make its returns uncertain, and to involve it in endless perplexities. We shall never succeed in making a state strong by relying for support on the vices of its citizens.

Another principle offered is, leave-them-as-you-find-them. Do not cripple the subject as a productive agent by taxation. This principle is best complied with by

proportioning taxes to the power to bear them. Taxes thus take what can be most readily spared. It hardly imposes any other caution except the caution of not laying a tax that will fall on a productive process in such a way as to needlessly embarrass it.

A principle that has a show of justice is, that taxes should be proportioned to the protection given the citizen by the state; and are to be looked on as pay for this safety. This principle is incapable of any exact application. The state cannot put a price on every service it renders; it cannot even trace services, much less attach a fee to them. This principle, made general and practical, is on the whole concurrent with that of ability. Some think that the services of the law are chiefly extended to "the poor and the weak; women and children and the aged; the infirm, the ignorant, and the indigent."¹ "If we wanted to estimate the degree of benefit which different persons derive from the protection of government, we should have to consider who would suffer most if that protection were withdrawn. . . . Those would suffer most who were weakest in mind and body."² > *sure!*

These assertions are made plausible by an enumeration of the wrongs to which the weak and poor are exposed in a barbarous or semi-civilized state of society. But this is not a wise or just statement of the case. The poor are equally entitled with the rich to the ethical gains of society. Governments in enlightened communities are not engaged in protecting the poor

¹ "Political Economy," F. A. Walker, p. 490.

² John Stuart Mill, quoted in "Taxation in American States and Cities," R. T. Ely, p. 239.

from slavery. That danger has passed by, precisely as the need of a bounty on wolves. One cannot say to a laborer, You should be willing to work for me for a dollar a day, for my ancestors compelled your ancestors to work for them for nothing. It is a strange inversion of things to say, the poor should bear the larger share of the burdens of the state, for if it were not for the state, we would make them bear still more. The primary office of the state is to protect them against us. The existing condition of things is a great let-up for which they ought to pay roundly.

Moreover, in those earlier days of violence, the rich were still more exposed than the poor to plunder. It was not the man of wealth, but the warrior, that had the upper hand. It was he that toasted at his brazier the feet of the Isaacs and Jacobs, wringing money from them.

The real question between the rich and the poor to-day under this principle of protection is, To whom is the state actually rendering the largest service? The state brings safety to person, to property, to all forms of social life and enjoyment. To whom does it bring the most assured safety with the largest outlay? Certainly to the rich. How long was it that women in mines and children in factories were without the first terms of safety? How devoid to-day are the lower classes, the children and wives of inebriates, sewing women, of protection? How frequently do crimes in our large cities, directed against the very poor, go unpunished? The poor make very little claim for personal protection, and receive still less.

When we are considering the safety of property, it

*Protection to
Rich & Poor*

is certainly fair to say that the protection extended to it is valuable in the measure of that property, and in the degree in which its safety depends on the law. It is thus we regulate the fees of insurance. The property of the poor is not as well protected as the property of the rich, and it is much less difficult of protection. All the costly suits at law are carried on in defining and defending some obscure claim between the relatively well-to-do.

If we turn to the aid rendered by the state in establishing commerce, highways, postal service, we see at once that the advantage the citizen receives from them is closely associated with his wealth. The poor man writes an occasional letter, the rich man loads the mail daily. If we take that very exceptional gift, public instruction, we still find that intermediate and higher education are far more expensive than primary educa-

scarcely.

tion, and that, as the cost increases, the service is chiefly rendered to the well-to-do. This most beneficent service of all is largely performed for the rich. Our legislatures are chiefly occupied with interests that primarily concern the rich, our courts with enforcing their claims, and our armies and navies in maintaining rights with which they are identified. The poor pay the chief penalty of war, and catch its passion second-hand. When a nation adopts such a policy as that of protection, the primary impulse to it is with those productively strong. The two principles, then, of ability and service rendered, are not antagonistic, but strikingly concurrent.

Still another principle offered as a guide to taxation is, equality of sacrifice. Here, again, we have some-

thing very like identity. If ability means true ability, that is, permanent ability, ability in excess of claims, the two principles at once coalesce. An income derived from accumulated capital and one dependent on personal labor express different degrees of power. Two equal incomes, the one charged with the support of a household and the other accruing to a single person, express different ability. An income of \$10,000 has more than double the capacity of endurance compared with one of \$5,000.

Taxation can only occupy itself with rough, practical measurements of power. An effort to follow all the increments in the growth of wealth is at once a very difficult and a very dangerous undertaking. Any excess in the imposition of taxes tends to repress production, and easily passes into a spirit of confiscation. As a matter of fact, the very wealthy are greatly sheltered, and most are willing that they should be somewhat sheltered, under an application of the principle that taxes should be proportioned to one's ability to bear them.

§ 3. There are some subordinate principles, bearing chiefly on method, not fully embraced in the foregoing considerations. Taxes should be as simple as possible. The results which follow taxes are often so remote and so complex as to demand great caution in venturing out in new directions. We should adhere as closely as may be to the well-worn paths, — paths in which the state can forecast its gains, and the citizen measure his liabilities.

With the principle of simplicity is associated that of permanence. The most marked cases of injustice arise

in a sudden shifting of taxes. In the United States immense sums have been made in anticipation of increased imposts. Whatever tendency there is in taxes to distribute themselves, it can be fully secured only in long periods. The removing of an old tax and the imposing of a new one may very much alter, for the time being, the profits of production. Taxes become increasingly just, many of them, by the mere progress of time.

Taxes should favor enterprise; or, at least, embarrass it as little as possible. This is involved in the secondary rules of Adam Smith, and in the principle, *Leave-them-as-you-find-them*. It is, however, wider than these directions imply, and should lead us to shelter capital in its active productive forms as far as possible. Taxes should not limit the liberty, or reduce the power, of production. We must nourish the goose that lays the golden eggs.

Taxes ought to favor equality in distribution. Social prosperity and productive power must, in the long run, depend on diffused wealth. Concentrated wealth tends to luxury on the one hand, and the weakness of extreme poverty on the other. Taxation ought to concur with the general effort of the state to secure equality of advantages, the perpetual renewal of life in all ranks of men. When the state even inadvertently favors bad distribution, the social balance is quickly lost. Prosperity at one point is made to cover up growing weakness elsewhere. Licenses and high licenses tend to concentrate business in the hands of a few. Excises have something of the same tendency, and have it very decidedly when a reduced rate, as was the case in matches, is conceded for stamps purchased in large

quantities. With these principles and rules before us, we wish to consider briefly the leading forms of taxation current with us.

§ 4. Taxes are divided into direct and indirect. The direct tax rests with him who pays it; the indirect tax is transferred, in whole or in part, to other persons. This transfer of taxes is a very certain fact, though oftentimes not one as accurate, rapid, and easily traceable as the theory implies. A tax may vary, as regards transferability, with the progress of events. The ability of one paying a tax on commodities to shift the tax on purchasers will depend on the relation of supply and demand. If the supply can be readily reduced the burden can, in part, be transferred.¹ It is improbable that it can be wholly shifted. The demand is likely to decrease with the rise of price, and in the new equilibrium both parties will have conceded something. Taxes, in a given form of production, rarely remain uniform long enough to be perfectly diffused by equalizing the profits between different branches of business. There are much friction and many retarding forces in the application of the theory. An unexpected tax falling on production is like a globule of mercury let drop on the floor; it breaks up instantly into minute spheres and disappears in all directions, resting we hardly know where.

Ap. 441.
1. 2. 3. 4. 5. The chief forms of direct taxes are taxes on real estate, on personal property, on income, on inheritance, and a poll-tax. That which has always commended real estate to rulers as an object of taxation has been its inability to escape. It lies in sunlight, and cannot

¹ "The Shifting and Incidence of Taxation," E. R. A. Seligman.

elude the coming blow. It has, moreover, little power to transfer the shock it receives. The supply cannot be altered as far as land is concerned, and only slowly as regards buildings. The readjustment which takes place is the very dilatory and partial one by which different forms of business are equilibrated in profits. A tax that has rested for a long period on real estate, becomes so fixed a term in valuation, in expectation, as no longer to disturb property relations. This is simply saying that wounds heal, not that new wounds will not be mischievous. The fact gives no countenance to indiscriminate and repeated blows directed at real estate. They each inflict its own injury. The certainty of securing taxes laid on real estate often operates to obscure justice.

*Land, not
subject to a
general tax*

The chief difficulty in the taxes, properly laid, on real estate arises from valuation. In a narrow community the evil is not likely to be a grave one, as much the same standards prevail. Absolute correctness is not needed; relative correctness suffices. When, however, valuations are made by different boards in remote territories, and under very different conditions, each board anxious not to subject its clientage to more than its share of burdens, the difficulty becomes much greater. Absolute correctness becomes a necessary means to relative correctness. From this fact real estate is best fitted to bear local burdens, and will remain a chief source of revenue for this purpose. Moreover, real estate profits most directly by good local government and local improvements.

Dangers, in addition to the danger to which real estate is exposed of bearing more than its own proportion,

local taxes.

are its liability, in given instances, to become unproductive and thus unable to sustain the tax, and the liability of depressing agriculture, a primary source of wealth, but one easily distressed.

Personal property, the second great subject of direct taxation, was originally so closely connected with real estate as hardly to call for separate treatment. Wealth expressed itself in landed possessions, and additional wealth came in chiefly as accessories — flocks, herds, barns, implements. With the growth of manufacture and commerce this relation was rapidly altered, till personal property is largely detached from land, exceeds in value real estate, and assumes forms not easily discoverable. Many comparatively fruitless efforts have been made to follow personal property, and make it draw, as an even yoke-fellow, with real estate at the public load. So far governments have not been able to meet the disposition to elude taxes by the holders of personal property.¹ Some states, as Ohio and California, have enacted very stringent laws with the purpose of making the tax more universal and equal. The success has not been proportioned to the effort. Personal property in New York bears only about one-eighth of the burden of real estate. In Massachusetts the proportion is more favorable. The gold and silver returned in Cook County, embracing Chicago, in a single year, was \$14,815; diamonds and jewellery, \$16,765; money with banks and brokers, \$654,350.²

The moral, social bearings, therefore, of the tax have

¹ "General Property Tax," E. R. A. Sellgman, *Political Science Quarterly*, vol. v. no. 1.

² *The Statesman*, February, 1889.

been peculiarly unfortunate. It has been the rallying point of falsehood, perjury, and bitter dissatisfaction. No one questions the justness of a tax on personal property. Indeed, it or its equivalent is an indispensable condition of justice. Personal property, productive capital, is able to bear, and ought to bear, its own burden; as articles of luxury and as a source of expenditure it is a particularly fit subject of taxation. Many, however, feel that this tax should be abandoned, because of the very partial success which has hitherto attended on its imposition, and because of its manifest injury to public morals. These may be sufficient reasons for shifting the form of the tax, but hardly sufficient for surrendering the very idea of justice. This is to yield to wrong simply because of its strength. It is to adopt in taxation the pickpocket's principle, Take money where you can get it with most ease and least noise. It may certainly be doubted whether the morality of a nation, as one whole, is improved by accepting this temper of evasion and falsehood. Mr. Chamberlain, M.P., said in a speech, "You may try if you like to put all the taxation on the rich; you may try till you are black in the face. Whatever you do, the pressure of taxation will ultimately, and in the long run, fall upon the poor."¹ Are we to accept this defiant dictum, this bondage of the poor under the rich?

Whatever is secured by a personal property tax, even though the amount be but a fraction of what it ought to be, aids justice, does not reduce it. The eighth part paid in New York relieves by so much the burdens that fall elsewhere. The injustice is associated with the

¹ *The Spectator*, Feb. 9, 1895.

Did he
speak as a
rich man?

seven-eighths not paid. The injustice between the holders of personal property is enhanced by the inequality of payment, but in reference to the community as one whole, the tax promotes justice. We do not say, As we have caught but one of three criminals, therefore let us dismiss him.

If we can do our work more successfully some other way, by an income tax, by a vigilant oversight of corporations, by stamps giving legal validity to credits, very well, but to incontinently, in the presence of determined dishonesty, surrender, is to abandon the state as a righteous organization.

The third form of direct taxation is an income tax. The equity of an income tax is so manifest and complete that we are compelled to ascribe much of the hostility it encounters to that bad temper which dislikes taxation just in the degree in which it is just. No tax is more accurately proportioned to ability than this tax. Income, more than property, discloses the terms of power on which one stands with the world. An income arising from labor is less indicative of strength than one which springs from capital, but the difference is partially compensated by the fact that personal power is a more reliable resource than wealth.

An income tax, so far as its equity is concerned, might well be made to yield a large share of public expenditure. In that case, it should reach all classes who are completely self-supporting. It is no object for a state to impel any downward toward pauperism by a tax. The income tax of two per cent just imposed with us on all incomes exceeding four thousand dollars is attacked as "predatory;" yet its true intent is to

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stay and correct the predatory inroads of taxation so familiar with us on the relatively poor.

This tax has unfortunately been pronounced unconstitutional by five out of nine judges of the Supreme Court. With us the weighty reasons of dissent given by Judge Harlan render quite nugatory any moral force which would naturally attach to such a decision. It is objected to as unequal, resting on a single class; yet its purpose and effect are to make taxation more equal, laying their portion of it on a class that have notoriously eluded their proper burdens. Every tax defines the class on which it is to fall; often singles out a narrow class amid allied classes, as in taxes on a given kind of production, and not infrequently, as in duties, varies the imposition with the value of the commodity.

An income tax can with much justice be made a progressive one. A large income has more power to bear taxation than is expressed by its ratio of increase. There is, however, no certain limit of this additional power; the temptation, the principle once admitted, to make the progressive burden excessive is a dangerous one; the general sense of justice gives the method a divided support; enterprise may be somewhat harassed by it. It would seem, therefore, to be a more safe and restrained method to make no effort to pursue these later increments of power. When an income tax is a secondary feature with other taxes, an exemption of small incomes is plainly demanded as an equalization of burdens.

The reasons for an income tax, in addition to its peculiar justice, are, that it is perfectly understood, im-

Arguments for an "Inc. come tax".

mediately felt, and tends to frugality; that it goes far to supersede a tax on personal property; that it introduces into taxation no unknown and vexatious terms, resting in a quiet way where it is laid; that it favors equal distribution, and, by its obvious justice, promotes good-will. It is also, after a little, when once fairly under way, cheap in collection, calculable in returns, and capable of ready increase and decrease.

Arguments against an "Income tax".

The reasons urged against it are that it is inquisitorial, and is capable of ready evasion. The force of the first reason lies very much in an obnoxious word, inquisitorial, carefully chosen to do its work. An income tax is less inquisitorial than one on personal property. A knowledge of one's possessions extends deeper than a knowledge of one's income. The inquiry is no more searching than it must be if taxation is to be just. The inquisitorial temper is chiefly the product of a disposition to evade obligations. Moreover, a knowledge of financial ability is one which favors sound business methods. Men are willing to institute and reward agencies whose purpose is this very information.

Isn't income more obvious than property?

The objection that it is a tax which provokes evasion is a real one, but we yield to it at the peril of permanent injustice. The escape is not as open as in personal property. A large income declares itself in many ways, a given piece of property may show no sign. Each year tends, under well-sustained effort, to uncover more completely the facts. When a certain point is passed, and the majority are accepting their duty, the tendency is toward growing completeness. He who resists is more and more isolated, more and more obnoxious to those who acquiesce.

England, for half a century, has had this form of tax. It was introduced as a temporary measure, but has been found so convenient and satisfactory that no administration, notwithstanding the opposition to it, has been found willing to abolish it. Gladstone, in his protracted readjustment of taxes that they might be borne with less inconvenience, found the flexible income tax a constant aid, and retained it against his own expressed opinion.

It is urged that an income tax may drive capital out of a given state. This objection is of moment, when, as with us, there are many distinct areas of taxation. It is not of much moment when taxation is commensurate with the nation. If an unpatriotic citizen strives to draw his revenue from one country and spend it in another, escaping the obligations of both, methods can be devised of anticipating that revenue. The argument proves that an income tax should be national.

A direct tax looked on with increasing favor is that on inheritance.¹ The Gould estate is said to have yielded \$700,000, and the Stewart estate \$300,000. It is a tax that can readily be made progressive, yet the same reasons lie against an increasing tax here as in the income tax.

The justice of the tax is not as marked as in the case of incomes. Direct descent should be shielded as compared with collateral descent. A closely compacted household of moderate means, the fruit of the labor of all, and the dependence of all, is aggrieved by a heavy tax following on an occasion which has nothing to do with their public duties. If the property subject to this

¹ "The Theory of the Inheritance Tax," Max West, *Political Science Quarterly*, vol. viii. p. 426.

tax chances to be transferred two or three times in a brief period, the heavy blows of life are given by the state an additional unbearable quality. As it is a tax which falls irregularly, exceptionally, and at some one time on a few only, it is liable to be imposed in a forgetful and harsh temper, while those exposed to it have but little opportunity for remonstrance. This tendency is aggravated by the satisfaction of the popular mind when the burden falls on large means. These considerations should call out a spirit of restraint and reserve. If the tax becomes excessive, it tends to modify the ordinary form of transfer by inheritance.

The reasons which justify the tax are: the state gives the power of inheritance, and performs a service in connection with it: the tax, at least as a general thing, is accompanied with the power to bear it; it is easy of application and collection, as the property subject to it is in the immediate purvey of the state; it favors equal distribution. It has, however, something of the bad flavor, Take what you can get.

The simplest direct tax is a poll-tax. It is a very unequal tax and has little to commend it, even when associated, as a safeguard, with suffrage. In this connection it may have a favorable as well as an unfavorable effect. It may attach importance to suffrage, deter the citizen from its indolent exercise, and aid registration; or it may increase the indifference to public duties, and make more possible a corrupt command of votes. It is a good illustration of the misleading force of forms. It meets in the most absolute way the claims of a stickler for equality, and yet it is in fact the most unequal of taxes.

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1- § 5. The leading forms of indirect taxes are customs, 73. 432
 2.3.4. excises, licenses, taxes on transactions. Customs, taxes ①
 laid upon imported goods, are far more acceptable to
 the public than excises, taxes laid on home productions.
 This arises from the fact that they are so often de-
 signed to give protection to producers within the nation,
 and that, in any case, a portion of the burden falls
 on foreigners. If trade is checked by customs, the im-
 porter, in his effort to restore it, concedes something on
 prices. Customs imposed for protection are productive
 of serious evils. Obscure consequences not intended, and
 impossible of correction, arise from them. The various
 branches of production are so dependent on each other,
 that prices cannot be altered at one point without alter-
 ing elsewhere the cost of production. The equilibrium
 of natural forces is lost, and our efforts to restore it
 serve only to increase the confusion. We reach more
 and more an accidental, unknowable, and dangerous con-
 flict of opposed interests. p. 276.
 p. 141.

This form of tax begets a moral temper very unfavor-
 able to justice and to well-directed enterprise. Not
 simply are the burdens of taxation shifted unjustly
 from interest to interest; law comes to be looked on
 as a leading means of promoting one's private welfare.
 The theory on which protection as an economic policy
 is made to act is soon forgotten, and is displaced by
 a constant and corrupt struggle of conflicting claims.
 Taxation, always difficult, even when treated by itself
 as a purely public measure, becomes still more obscure
 and difficult when made to involve innumerable private
 interests. The laying of these taxes and the removal
 of them are alike the occasion of gratuitous gains and

*This is the
 real disorder.*

losses. No system could well be more productive of debauch in the public mind than that of protection in its later stages, when it has resolved itself into a series of transactions few of which can bear the light; when the nation is ostensibly laying taxes, but actually dividing spoils.

Customs fall heavily on the poor. The revenue is small unless they are laid on articles of general consumption. So laid, the tax is divided not according to the powers of citizens, but according to their wants. In keeping with this unfair temper which inheres in the method itself, the impost on cheaper goods consumed by the poor, as in the case of woollens, is often relatively greater than that laid on more costly goods. The tax often assumes a double form, that of a specific charge and of an *ad valorem* rate. It is thus frequently heavier than it seems to be. When prices decline, the specific charge remains unreduced. The producer thus protects himself against a fall in prices, against any tendency of increased production to cheapen commodities. The poor never fall more helplessly into the hands of the strong than when taxes begin to yield to the claims of individuals.

A burden other than that of the tax itself is imposed, in the case of protection, which may easily exceed that of the tax, and of which we have no measure. A large share of this transfer is made from the resources of those relatively poor to the resources of those relatively rich. An amount of injustice can be hidden at this point beyond all estimate. When the duties on iron and steel were \$20,713,000 the additional cost to the consumer was placed at \$60,000,000.¹

¹ "Recent Economic Changes," p. 321.

Ease and certainty of imposition, the strong reasons which promote customs, also favor excises. The immediate disturbance which they bring to business has ordinarily sufficed to hold them in check. In any sudden emergency — as in the Civil War — government is likely to avail itself of this resource. The objections to them, though not as grave as to customs, are great. The additional price of products reduces demand and injures production in a degree it is not easy to trace or to measure. The cost of collection is somewhat greater than in direct taxation. In Paris, in 1861, the expense of collection was in the one case twelve per cent, in the other, four per cent. In England, the difference is slight. ②

These taxes tend somewhat to monopoly. Large concerns gain more prompt attention, and find the way more open to them. Excises, in their final payment, are likely to have little or no reference to ability. If they rest on articles of general consumption, they interpenetrate the entire community, and find their way to the poorest. No man knows what he pays, nor, unless he is more thoughtful than many, knows that he pays anything. It is of this form of taxation that it is said, "It sups in our cup and dips in our dish." Neither buyer nor vender escapes it. It is everywhere present in the air, and sometimes as a subtle poison.

The next most important form of indirect taxation is that of licenses. The distinction by which taxes are divided into direct and indirect is not a perfectly firm and invariable one. The same form of tax will be distributed in different degrees and with different rapidity, according to the conditions which accompany its im- ③

sition. Some have regarded licenses as direct taxes. If the business licensed is sluggish or unsuccessful, the tax will be but partially transferred; if the business is active and profitable, it will rapidly pass on as a part of the expenditure incurred. As the incidence of taxation is a most important practical point, it is well to draw attention to this division, notwithstanding its variable character.

Licenses in the Northern States are chiefly associated with some form of police supervision, are extended to branches of business that call for restraint. Licenses, simply as a tax, are objectionable as a preliminary embarrassment to business, and as regressive. They fall most heavily on those who are just entering on a new pursuit. They thus tend to a monopoly. This is clearly seen in the high licenses recently associated with the sale of intoxicating drinks. They have thrown saloons into the hands of brewers, have concentrated the business, and made it more systematic and formidable than ever.

Taxes on transactions, imposed in connection with stamps, have usually only an obscure and changeable relation to the ability of those who pay them, and are distributed very slowly, as one item of outlay to be charged over to the business with which they are associated.

§ 6. A most serious embarrassment to taxation has been and is that it offers a ready means of doing many things that are only indirectly connected with it and are of doubtful expediency. Taxation is thus embarrassed by considerations quite foreign to it, and both branches of a critical work are still further confused. These sec-

ondary objects are the encouragement or the restriction or the regulation of some pursuit or of some method of conduct.

Education and religion are favored by an exemption from taxation of property devoted to them. The second of these exemptions gives occasion of complaint, as frequently not called for, the ability of those supporting the worship thus aided being ample to sustain its expenditure; as often unequal between different forms of faith; and as always imposing a burden on a few citizens whose convictions are repugnant to current religious belief.

Taxation and protection are wholly distinct in the principles which they involve. They cannot both be included in the same measure without the sacrifice of one or the other. The more the protection afforded by given imports, the less the return in taxes, and the greater the disturbance to equality, the ruling idea in taxation. If protection were made to rest on its own reasons, and not enclosed and concealed by the constant and necessary claims of taxation, it would be much less frequently conceded. This is plainly seen in bounties.

Taxation is associated with police regulation in the same confusing way. Heavy excises on tobacco and intoxicating drinks, and high license gain acceptance in the community not as equitable taxes, but as needed restraints on undesirable forms of consumption. This very convenient, general, and, as many think it, laudable policy would seem to be a bitter mistake. These taxes are spoken of, and thought of, as if they were intended to reduce, and did reduce, the consumption of these commodities. This consideration has been made a pri-

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many reason for high license. The appetite which is gratified by intoxicants is so imperious, and the charges for a single indulgence are so light, that the use of those beverages is affected scarcely at all by prices. They do not come under the ordinary law of supply and demand. The consumption of fermented and distilled liquors, particularly the former, has rapidly increased in a period covered by heavy taxation. Taxes have concurred with other causes to increase relatively the use of beer, but a tax reaching eight hundred per cent on distilled liquors has not reduced their consumption as drinks.¹ The classes which would be affected by price would be those relatively temperate, those from whom the state has little if anything to fear. The tax has next to no power to reduce a habit that is such as to threaten the public welfare. It is time that we recognized the fact that taxes are not deterrents to intoxication, that as police regulations they are utterly deceptive.

Many ascribe to this taxation a moral force. The reprobation of the community is expressed by it. This censure is of the most intangible nature, and, such as it is, is outweighed by the fact that the community, in granting licenses, accepts the traffic, and, in imposing high licenses, lays upon the seller the necessity of corresponding exertion to push it forward.

Another reason which has sustained these taxes has been the notion that tobacco and liquors are luxuries, and therefore fit subjects of taxation. The same feeling is expressed in characterizing prohibitory laws as sumptuary legislation. There is nothing in the facts to justify either idea. Intoxicants are not luxuries, nor is

¹ "Cyclopedia of Temperance," p. 131.

prohibition of the nature of sumptuary law. Luxuries are some unusual and considerable expenditure in the line of personal indulgence. A luxury cannot extend through all classes, the very lowest. Intoxicants are neither necessities nor luxuries. They are a third thing, owing their hold on the human family to the degenerate physical state they induce. Luxuries are selected for public burdens on the ground that they imply the power of payment, a power that may be advantageously directed to the public service.

There is no such implication in the use of tobacco and intoxicants. The consumption of these products is perverted expenditure, and is more frequently both the cause of, and an indication of, poverty. If these heavy taxes have any justification, it cannot arise under the idea of luxury, but must arise under that of repression. In this they also signally fail. Mere pretences are kept in the foreground to give a color to burdens most unreasonable and pernicious. The word sumptuary is used in a blind and misleading way. Sumptuary laws are intended to restrain lavish expenditure. Prohibitory laws forbid the sale of intoxicants as productive of poverty and crime, and as breaking down the safeguards of our social life.

The mischievous character of these taxes is very manifest. They fall in large amounts on the most miserable and defenceless class in the community — the women and children dependent on those addicted to intoxication. Not only does the state fail to defend these defenceless ones, who appeal to it for aid in an extremity that admits of no ordinary redress; it proceeds to turn this, their extreme wretchedness, into revenue, and

offers as an excuse reasons that have no substance in sound theory. If hypocrisy means the doing of evil under a deceitful disguise of doing good, then this taxation is flagrant hypocrisy.

This dark color is deepened by the fact that these taxes are made especially to follow the consumption of the poor. Is it because that consumption is luxurious? The tax on all grades of cigars and tobacco is the same. The poorer the cigar, the higher the rate. Beer, a native product, is taxed; while native wines, the drinks of the more luxurious, are untaxed. A government that can lay and collect a tax on spirits five times greater than its value, that can discriminate between woollen goods, in order to impose a heavier tax on inferior grades, can hardly be allowed to say that it cannot successfully distinguish a higher grade of cigars or a better quality of tobacco from a lower one. In no direction is the callous hand of law so wanting in all delicacy and sympathy of touch as where the interests of the weak and the poor are involved.

A like disregard of the safety of those most needing shelter was shown in the case of lotteries; but this offence is being removed. A similar compounding of incompatible things, penalty and indulgence, the exactions of the strong and the unheeded claims of the weak, reappear in houses of ill-fame. No firm ground can be gained till the state accepts its true function, the securing of a large safety, and refuses all complicity with inimical conditions. There is no more mischievous net entangling the feet of men, than that which unites the state with the vicious and criminal indulgences of society, and makes them a source of revenue.

The taxation of corporations under an obscure idea of thereby correcting or reducing the profits associated with them, is another example of a blind and half-vindictive policy. It has assumed great diversity of forms, none of them quite adequate or commendable.¹ The evils incident to corporate action must be confronted more adequately and systematically than by taxation, and may be easily aggravated by unreasonable taxes. This wider survey of the entire field will modify taxation by putting us in better possession of the sources of wealth; but its primary purpose will be to make combination a wholesome instrument in production and consumption.

Just taxation is so associated with the relation of classes to each other, and with the moral sense of the citizen, as to be capable of improvement but slowly, point by point, as the conditions of progress are secured. Taxation constantly raises, in an urgent, concrete, practical form, a great variety of social and moral questions, which we can carry through to a final answer only by the aid of the most comprehensive principles.

§ 7. The taxation of England is to be especially commended for its simplicity and for the precision with which it is adapted to its end. Our own methods are exceedingly defective in both respects. Revenue and expenditure in England are so closely calculated that they are not expected to separate from each other by a difference greater than one per cent. In 1890 the estimates and the outlays approached each other within one-seventh of one per cent. In an expenditure, in

¹ "The Taxation of Corporations," E. R. A. Seligman, *Political Science Quarterly*, vol. v. pp. 269, 438, 636.

round numbers, of ninety millions of pounds, twenty-seven are derived from excises on liquor and tobacco; twenty from customs on a small number of articles; fifteen from an income tax; while the post-office and associated services yield sixteen millions.

The multiplicity and variability of taxation with us arise from the number of centres from which it springs, the want of any sustained effort to make it systematic, and the great number of separate purposes involved in it. The burdens imposed by the general government and its expenditures bear but a loose relation to each other, and extravagance with us is a constant product of excessive taxation; and excessive taxation, in turn, of lavish expenditure.

Reform must come first from a recognition of the great evils of our present method, from a separation of taxation from alien and conflicting purposes, and from a more careful adaptation of taxes to the local centres from which they spring,—towns, cities, States, and general government. Our local divisions give rise to unsystematic methods, but are not necessarily inconsistent with proximate justice.

Some taxes, as customs and excises, necessarily remain with the general government; customs as resting with commerce, and excises as equalizing the burdens of production in the several States. An income tax, as a proper source of a large revenue, as demanding especially independence and power in its successful imposition, and as leaving the advantages of residence in the several States the same, would advantageously fall to the general government. Taxes on corporations, as a means of enforcing the income tax, as frequently

resting on forms of business that are carried on in several States, as intimately connected with interstate commerce, and as calling for a wide and uniform method, might well be left to the same authority.

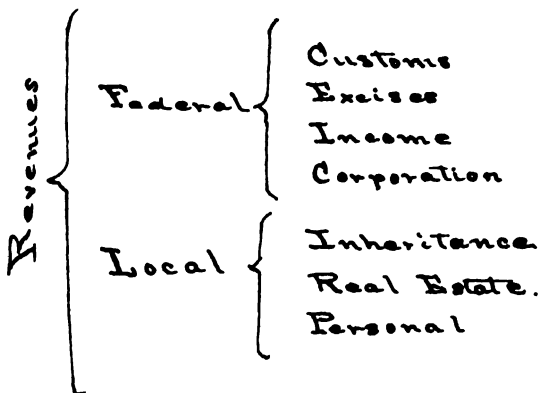
Taxes on inheritance naturally rest with the States. It is in the courts of the State that the transfer takes place; it is with the State that the acquisition of the property under consideration is chiefly connected. Licenses, also, are best adjusted to local wants and local opinion by the State. Real estate falls naturally to towns and cities as their most direct resource, as part and parcel of local interests, and as yielding a tax imposed in these narrow communities with more equality.

The sum of taxes in the United States is not much below a thousand million dollars.¹ If a quarter of this amount fell on incomes, a quarter upon customs, and half upon real estate, we should reach a result still unjust, but far more just than can be hoped for in a long period. The poor, paying customs indiscriminately — or with only very partial discrimination — with the rich, would still be overtaxed; and the rich, taking an income tax chiefly to themselves, would still fail to bear their full share. Real estate as contrasted with personal property would be unduly burdened. The income tax would do something to correct this discrepancy; and a large part of the tax on real estate, having been borne for many years, has disappeared, as a present exaction, in the constitution of things.

There is likely to remain for long an intense collid-

	LOCAL TAXATION.	FEDERAL TAXATION.
¹ 1880 . . .	\$312,750,721	\$310,531,373
1890 . . .	\$470,651,927	\$372,275,289

ing of passion, prejudice, and patriotism; of justice and the exactions of classes; of what has been and what ought to be, at this point of taxation. Free institutions rather increase than diminish this clash of conflicting interests. The recent decision of the Supreme Court in reference to direct taxes, by divesting the general government of its power and responsibility in the whole subject of taxation, takes on the magnitude of a national calamity.



CHAPTER VIII.

THE STATE AS ADMINISTERED BY POLITICAL PARTIES.

§ 1. POLITICAL parties are the unavoidable instruments of administering and unfolding the government in a free state. Men are differently impressed by the claims of the present, and the claims of the future; by the importance of the forces which preserve society, and of those which carry it forward. These two divided and somewhat antagonistic estimates must be brought to a practical equilibrium in achieving progress. This can be accomplished only by the strenuous efforts of those who, from interest or from sentiment or from judgment, support one or other of the two tendencies. Men of the stamp of Hamilton and Jefferson respectively will always be found to concentrate and lead the supporters of each opinion. The forces in contention along the line of movement assume the form of political parties.¹

A political party is a combination of citizens for the peaceful advancement of political principles, aiming to secure and administer the government under them. Factions precede parties. They are the result of tyranny. A faction is a combination of citizens ready to win the government by violence, and carry it on for

¹ "History of the Eighteenth Century in England," vol. i. p. 474; vol. iii. p. 104.

their own personal ends. In progressive periods, factions pass into parties; in retrogressive periods, parties sink into factions.

Parties arise inevitably and become necessary instruments in development. They assign the state, for the time being, its policy. The government has constantly to choose between methods of action more or less inconsistent with each other. It cannot vacillate between them. This choice will be determined by the political party in power. The choice expresses the dominance, at least for the present, in the minds of the people, of certain principles of action.

A party, by taking complete possession of the government, gives harmony and consistency to its administration. An administration that strives to include persons of radically diverse political views is sure to result in strife, in weakness, and to open the way for the triumph of one or the other tendency. Thus, in England, in the eighteenth century, the cabinet came slowly to be of one stripe, as an essential condition of success. The administration of Washington, combining men of opposite opinions, was characterized by bitter contention, and gave place to the complete predominance of the one or of the other party.

While a conservative and a liberal tendency underlie parties, the immediate point of separation depends on circumstances. Parties in England have been chiefly occupied, for a long time, with the extension of the power of the people, and in adapting laws to popular wants. The United States started with extended freedom, with almost universal suffrage. There was little occasion for conflict in this direction. The jealousy of

the people was directed toward any extension of the power of government, more particularly of the general government. An extreme individualism ruled the popular mind. The one point of difference in the United States between political parties has been a different estimate of the functions of government, of what it can wisely undertake. The strife between the Federalists and the Republicans turned on the power to be committed to the new government; between the Whigs and the Democrats, on the things to be undertaken by the state; and between the Republicans and the Democrats, on the control to be exercised over the extension of slavery, and, later, in other directions. The uniform tendency of radical parties has been to enlarge the functions of the state; of the conservative party, — Republican, Democratic-Republican, Democratic — to resist this growth of authority. Collective energy — liable to pass into privilege — has been the ideal of one side; personal liberty — readily degenerating into disorganization — has been the ideal of the other side.

Neither party has been able to hold power for any considerable period without a conspicuous betrayal of its inherent weakness. Thus the national bank, at first an acceptable and profitable instrument with the Federalists of restoring the public credit, began, at length, to disclose the taint of extended personal interests nourished by the state. Protection, pursued by Whigs and Republicans, has degenerated into a wide, unscrupulous struggle between powerful productive interests to win in law the upper hand.

On the other hand, the conservative party, essentially one in all its forms, betrayed its incurable weakness in

*Elements of
Political Strife.*

the war of 1812, and absolutely fell to pieces in the presence of the Civil War. Now that it has regained power, after the lapse of a third of a century, its hesitancy and feebleness are at once conspicuous. Squatter sovereignty and local option have been the rivals with it of the sovereignty of the state. Yet the Democratic party, in spite of its chronic weakness, — perhaps by means of it — has at times rendered most valuable service in checking the growth of power, which had lost sight of the interests committed to it. Parties in the United States, as contrasted with those of England, are turned end for end. The conservative tendency with us means checking government in behalf of the unrestrained action of the people; in England, it means retaining institutions which shelter privileged classes. The radical impulse in the United States stands for a disposition to make the government a more powerful instrument in the promotion of the public welfare; in England, for a reduction, and later a redirection, of the power of the state as hitherto administered.

§ 2. There are two ways in which political parties displace each other: by failure in legislation, as in England; and by failure in election, as in the United States. The first is the cabinet system, a growth, and not a device. It has many advantages. A definite policy is the constant demand laid upon the party. The absence of a policy, or an unwise policy, results at once in overthrow. There are no long periods during which a party holds the government, not knowing what to do with it. No political method could possibly secure more rapid and continuous progress, progress closely associated with the convictions of the people.

*In U.S.
and
England.*

The changes in England, in the last seventy years, have been marvellous in their number, their quietness, and their success.

The cabinet system unites the people and their legislators far more closely, in the pursuit of their common interests, than does the system of election. There are no long, lax intervals of suspended responsibility between elections. Every moment is critical. The public attention is concentrated on specific measures in every step of their progress. The right thing must be done, and done at the right time. Public opinion is in no other way so stimulated and kept up to its work.

The opposition is not so much weakened by continuous defeat. It performs its function constantly in broad daylight, prospers by the skill and wisdom with which this is done, and is itself taught by the progress of events. There is not the same opportunity for an accumulation of errors as in the elective system; for a confusion of ideas, in which neither party knows its purposes; for the substitution of the chicanery of elections for diligence and success in legislation; for making the promises of a platform take the place of performance. The responsibility of Parliament is as nearly complete as possible, and verges toward an undue rapidity of movement. In the United States we follow languidly the progress of events in Congress, because they are often so obscure in the motives and methods employed, and because frequently so little comes of them. We keep still and take our chances, as only too poor at best.

The cabinet system is unrivalled in maintaining the lead of ideas, in the ease with which new ideas are

introduced, in the vitality it imparts to the entire movement, and in the degree in which people and rulers are identified as a nation, the government being their common organ. It fails only when parties, unduly subdivided, refuse to act together under leading principles, and are factious in opposition to each other. This evil has rendered the method but partially successful in France. There is no broad basis for any policy to rest upon.

§ 3. Our elective system grew naturally, as a devised method, out of the voluntary character of our institutions. We can escape its difficulties only by clearly seeing them. While we accept a certain obligation to party ties as essential means of government, we have still more occasion to mark the limits of these obligations, and to maintain our personal freedom under them. We owe allegiance to a political party chiefly, almost exclusively, from our sense of its immediate relation to the public welfare. A party that offers us the most available means of securing good government has upon us the claims that arise from this relation.

At times, also, the combining power of a community may be unduly weak, — with us it is more likely to be unduly strong — and we may be called on to accept a defective form of co-operation rather than allow it to dissolve away altogether. The historic tendencies of a party, though for the moment they seem to be baffled, may count for something in our estimate of possibilities. Yet the fundamental truth remains, that parties are to be estimated simply by their relation to the public welfare. Their value, whatever it may be, is derived from it.

Here is the great difficulty. Political parties constantly assert themselves, aside from the service they are rendering. They become independent entities, a separate source of obligations. Parties readily lose the principles in behalf of which they were first organized. The primary purpose may have been accomplished, or may have passed by. The party organized in its behalf may still cohere by its simply organic ties, and so become a body wielding power with no ruling object. The party fails to disband when its purpose has been fulfilled, and so falls into mischief. The Whigs in England lost their primary end by the firm establishment of the House of Hanover; the Whigs in the United States adhered to protection and internal improvements till the more weighty question of slavery drove these issues into the background. The Republicans, organized in resistance of the extension of slavery, carried that controversy forward to a successful settlement, and then were left without a policy. There is a marked difference between a radical and a conservative party in this demand for definite measures. It falls to the radical party to take the initiative; it must, therefore, be prepared to make distinct issues relevant to the time. The conservative party stands on the defensive, and takes its position only in reference to the position of its opponents. Like an army attacked, it faces about to meet the charge. Its principles are always with it, being primarily those of resistance; they are, therefore, less explicit, less changeable, than those of the progressive party. Its members drift together by virtue of resistful, sluggish sentiments they share in common. Such a party, with secondary

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Party.

changes, may endure indefinitely. It is not compelled to go in search of principles. Its principles are permanently present in the inertia of society. Thus the change of designation in the Democratic party has been a shifting of words rather than of characteristics.

Parties, radical parties, take up new principles with difficulty. They have been organized for a specific purpose. The members of such a party may readily entertain a variety of opinions on any new issue. Such an issue, when raised, will weaken the party and endanger its success. Having become accustomed to power, it is not ready to go down a second time into the valley of humiliation, and fight its way up once more under new banners. The result often is, as in the case of the Republicans, that a radical party refuses to let a conflict really accomplished pass by; it waves the "bloody shirt" when nothing but mischief can come of it. It declines settlement and engenders strife as a condition of its own prolonged power. The difficulty with which a party meets in making up new issues is seen in the very slow way in which the Republicans accepted the policy of protection, and in their present confusion and division on questions touching the currency.

Political parties fall more and more into the hands of politicians, men who have a talent for political management. In the early history of a party, men of ideas and of devotion to them are in the foreground. It is these principles that are the cohesive power. As success is achieved, these men are satisfied, and relax their efforts. The battle has been fought and won. Men of less principle flock in to share the success. Men whose gifts lie in organizing and controlling a political party

conservative

"the Democracy"
of the author
is obvious

come to the front. They gradually and imperceptibly secure the lead. Before any one is fairly aware of it, the methods and objects of the organization are changed. The "grand old party" becomes the instrument of personal ambitions, in the hands of unscrupulous politicians. These leaders use more freely than ever the familiar watchwords, and the mass of its members think themselves still in the beaten paths of patriotism. "Demagogues bribe classes, not persons;" and the politician bribes the good citizen to obedience by the continuous success of his beloved party. The history of the past is rehearsed with pride, and each new victory is thought to be added to the same glorious record.

? Good men and independent are more and more excluded from the counsels of the party. The best men are liable to be somewhat refractory to begin with, and, like Charles Sumner, yield, and secure, a somewhat uncertain allegiance. Freedom and decision of thought are in order as long as the rallying cry is for principles not yet accepted. In this period, boldness is impressive, and success is not endangered by it. When, however, the party has begun to achieve power, and the lead is passing into the possession of politicians, the case is wholly altered. Nothing is so unmanageable by this class, or so liable to disturb their calculations, as ideas, and men who independently pursue them. The fittest man has now become the shrewdest, most concessive, most tricky man, the man who sees at once the means of immediate success, and unhesitatingly pursues them. Men of the stamp of Lowell and Schurz lose hold on the party, and are either cast out of it, or encisted inside

of it. The entrances to political power become too low and too narrow to suit the haughty carriage and free movement of self-contained men. Indeed, there is no longer any demand for that kind of folk, but for those who give and withhold in reference to victory. There is a steady reduction of a commanding personality in leaders, and a substitution of skill, adroitness, duplicity.

These changes within the party are accompanied by corresponding changes without it. Persons who have interests and influence gather in force and take part in the counsel of the party. They have things to buy and things to sell, and here is the market. As is the legislature, so is the lobby; and the lobby as one whole means those who are turning legislation aside from the public welfare into obscure paths of personal prosperity. A sugar trust succeeds in its corrupt purpose by secret methods in the very teeth of the nation. In our later tariff legislation, the principles on which protection may be urged as a national policy have been simply the painted curtain behind which the busy politician is preparing the stage for another scenic effect, another dramatic victory.

There follows from these secret influences, which increasingly take possession of politics, a growing inability for real counsel. The construction of platforms which are nothing more than the devices of banners; the nomination of officers in a caucus where the politicians rule; the choice of the officers in an election where the people are led in ways unknown to themselves; the dividing of the spoils of victory, — these are the things which are made to constitute the life of the nation. Politics so ordered sink into utter worthlessness, as contrasted with

the real push of the minds and hearts of the people, led on to a true conflict by the ablest men of the nation under a cabinet system. The caucus is the instrument of the politician, is designed to anticipate counsel, and put intrigue in its place. Is there any important and doubtful measure about to come before Congress, in which deliberation is peculiarly fit, a party caucus is called to determine in advance the policy of the party. Statesmanship is forestalled; conscripts are marshalled in the halls of Congress to do the bidding of political captains.

Nor is the political manager willing to confine these methods to the fields with which they are more directly associated. The party drill must be extended to local elections, that the army may be kept in form, and the area of spoils enlarged. Our cities owe much of their misgovernment to relations in politics which do not concern their own interests. Political parties, as they gain development, steadily exclude individual liberty in all the methods of its exercise.

A political party cannot reach the stage in which it is sinking into the hands of politicians without giving occasion to extended and systematic corruption. Its temper, an unscrupulous struggle for success, is in keeping with corruption. The spores are in the air, and the soil is ready for them. The only question is one of form and degree. It may be a corruption starting with the voter. The lower classes may be debauched, led downward into sordidness and drunkenness. The educating power of free institutions is their chief merit. If this is perverted, turned in the wrong direction, there is a rapid accumulation of evil. In some communities the

sale of votes extends to a large portion of the population.¹ Cities whose politics centre in saloons suffer a steady degradation, till the officers of the law affiliate with the vicious and criminal classes, maintaining that degree of good order which best subserves their own interests. The Lincoln Committee in Philadelphia sent out 150,000 election tickets to voters taken from the official register; 15,000 were returned, marked "not found." A corruption of this sort becomes so well organized and so complete, that nothing but convulsive, revolutionary throes can break it up; even then it is likely to quickly regain its power. The exhortation to the ordinary citizen, under such circumstances, to perform his duty to the public, becomes meaningless. It is impossible for him to render any effective service. The doors closed against free suffrage and honest consultation can only be forced open by an attack as extended and well-organized as the combination for defence.

The corruption may take the form of contribution to election expenses. The men who make these contributions secure thereby a claim, either on office or on legislation, which they are not slow to push, and which, being pushed, cannot well be resisted. Offices, contracts, laws, are indirectly sold at every stage of the political movement.

Trusts, like the Sugar Trust, have a hold on either party which they are unable to shake off. Offices that are secured by corruption are not likely to be purely administered. The party that wins power at the ex-

¹ "Alarming Proportion of Venal Voters," J. J. McCook, *Forum*, September, 1892; "Venal Voting: Methods and Remedies," J. J. McCook, *Forum*, October, 1892.

? . pense of public virtue will administer power in the same spirit. The expenses of our elections have become very great. The mayor of New York has paid as high as \$25,000 for his election, and other officers even more. The annual cost of elections in New York City is estimated at \$700,000. In Connecticut the presidential campaign costs each party some \$400,000, while the cost to the United States is \$10,000,000. These expenses tend to a rapid increase. The magnitude of the interests involved, and familiarity with corruption, make the leaders ever more bold and unscrupulous. The decline from integrity in fraudulent methods is a rapid one.

There attends on this corruption the steady growth of an irrational partisan temper. It is by playing upon this feeling, not by sound reasons, that politicians thrive. Young men are organized into clubs, and stand waiting the word of command. The disposition to hold blindly to one's own affiliations, only too strong in men, is constantly appealed to. Any hesitancy, any exercise of private judgment, are stigmatized as treachery, and visited with all the punishment within reach. A man once a partisan is expected to remain a partisan all his life. His manhood is held in suspension in the presence of his party. The rank and file of a great party are ruled in the most absolute way. A few party catchwords suffice to carry them forward in the pursuit of purposes they do not understand, or, understanding, would heartily reject. Prejudice, misrepresentation, and empty phrases confound all knowledge.

From this partisan temper springs the double dealing of platforms. The platform is addressed to the ear, and

not the understanding. It opens with an indiscriminate, and often untrue, condemnation of the doings of the opposite party, and then lays out for itself a captivating programme of action, which equally lacks substance and truth. Before an election, the party is liberal in promises in all directions in which votes can be gained ; after the election, it is slow in performance, because no principles underlie the pledge, and because it feels it safer to forget the obligation than to encounter the opposition which its fulfilment would call out. Thus the Democratic party has been chiefly thwarted by its own members in its revision of the tariff, and been able to put to no adequate service the power it has won. Civil service has been repeatedly accepted in theory, and betrayed in practice, by both parties. A distinguished senator from Vermont favored a prohibition plank in the state platform, and aided in maintaining a bar in the Capitol. All things to all men, that we may make a little out of each, is the politician's rendering of wisdom.

If we add to this dishonesty of platforms the dishonesty of political organs in their statements of facts, in their attack and defence, we see how far the possibility of understanding the grounds of action is beyond the average citizen. He looks to the papers and leaders of his own party for guidance, and they fling over him a voluminous network of misrepresentations. Thus he is entangled in a discussion on the tariff, in which the principles enforced and the facts affirmed have very little relation to the exact things that are about to be done in Congress. He votes for a theory and gets a shameless perversion of it.

Not only does the control of a party pass into the

hands of politicians ; a natural selection is set up within the class itself by which the most adroit, dark, and dishonest man distances all the rest. The National Committee must be made up of men who understand every method of success, and will choose between them solely in reference to victory. Men of more character, who have a decided choice of methods, must stand aside, and be content to sanction and grace by their presence the objectionable methods of their dishonest associates. Power gravitates toward the most corrupt politician, as "revolution falls into the hands of the worse men." This tendency is universal. A large religious body comes at once under the influence of those who give clearest expression to its conventional belief, to those whose personality is embodied in familiar sentiments and expressed in prevailing catchwords. It is difficult for a man capable of giving counsel to gain a hearing. The men who are to guide the party must be instruments of the party, and make the party their instrument.

Any moral obliquity, if it is somewhat in the background, has little power to effect party leaders. Men become tolerant of vice in them, as they were tolerant of vice in Napoleon. One may be given a seat in the Cabinet because he raised, in a sudden emergency, a large corruption fund, and the public still remains edified by a rehearsal of his work in Sunday-school. Public vices and private virtues are woven into one chaplet to crown his achievement. In politics, when some plain moral principle gets assertion as a "higher law," it has all the effect of a discovery, and marks an era. Politics, like war, is thought to involve an ex-

tended suspension of moral obligations. If this suspension is complete enough, and long enough, parties sink into factions, and we have the record of a South American republic. In the election of President Hayes we trembled on the verge of this decline.

Each party is willing to increase the embarrassments of the opposite party, and then to use the failures thus occasioned as a reason against it. Not only is there an indiscriminate charge of all disasters on the party in power, though they may be the obvious consequences of an earlier policy; the minority, as at the last session of Congress, feel at liberty to bring purely factious opposition to the passage of laws which lie in direct fulfilment of the wishes of the people as expressed at the polls. The Republicans were disposed to compel the Democrats to maintain a quorum from their own members; to decline the most natural and inevitable consequence of their presence in the House as legislators; and virtually to take the ground that the supreme obligation resting on them was to embarrass the party in power. The interests of the nation and the intention of the nation are subordinated to those of the party. A boat cannot make progress if each of two oarsmen insist on rowing in opposite directions, if it is the function of each to make worthless the efforts of the other. A nation governed and guided in this fashion can make no adequate test of any policy, can pursue successfully no public purpose. It is strange that any good citizen should justify such a method. A fact of this order shows the blinding power of the partisan temper.

Yet the two parties are often in collusion with each other. When the safest way to the spoils of office is

a quiet bi-partisan division, they cheerfully accept the arrangement. When a citizen's ticket threatens to sweep away the abuses of party administration, the party out of power will embarrass the movement by a regular nomination. The parties are like two gamblers, who have their own bickerings, but are united against any outside interference.

It thus becomes most difficult to organize a third party, to initiate and carry forward any thorough correction, to raise any new issue, or bring honest men to the front. Both parties feel at once the danger, and unite in making the effort unsuccessful. In Massachusetts, the ballot law has received a form which compelled a party numbering nine thousand voters or less to endure a cumbersome and vexatious procedure as a condition for the admission of their candidates to the ballot.¹ What can be done by shifting one's vote from party to party—and it is not very much when both parties are unsatisfactory—may be done; but he who attempts to organize a new party enters on a costly and wearisome effort, whose success may be in no way proportioned to its merit. A first condition of genuine deliberation and free execution is easy combination, yet with us the difficulties of political combination are so great as to be in most cases insuperable. The people have no liberty in the premises. They stumble on under the leadership of men they have never truly chosen, and when they form any definite purpose are baffled in its fulfilment. Yet we are pleased to call this liberty.

An evil that is sure ultimately to spring up under

¹ This law has now been changed.

this political management, though it has not yet shown itself to any great extent with us, is the substitution of persons for principles. The dropping off from principles is seen in the want of loyalty of the people to their leading statesmen. This is sure to be followed by a blind adhesion to any leader who, like "Jim Blaine," has a taking personality. This subjection to persons is a last stage in degeneracy in a democracy.

Political parties that are suffering this interior decay cannot adequately perform their administrative work. We have no occasion, during the past twenty years, — a period covered by party politics with no new organization in behalf of progress — to take any pride in our legislation as regards revenue, finance, pensions, or social reform. We cannot secure sound legislation, legislation as sound as the intelligence of the nation would justify us in expecting, when patient and continuous counsel is repudiated in behalf of winning votes. The legislators are left untrained, the people uninstructed, and all are subdued to a mean purpose. Our pension laws passed from honor to dishonor, because a strong organized vote began to appear in the background. Social legislation is difficult and experimental. It should unite anticipation and caution. We undertake little or nothing till an imperative demand comes from an organized body; and then we make blind concessions, as in the case of prison products. Legislation is almost inevitably bad that is granted in the presence of interested parties. Those most pronounced, most rapacious, and frequently those who fail to understand their own measures, gain the foreground. Legislators lose all power to guide the people, or to temper and restrain

their folly. They virtually abdicate in behalf of any combination of voters.

The ignorant and the selfish thus gain disproportionate power. A compact and unscrupulous vote, like that controlled by the saloon, a vote that knows exactly what it wishes, and sacrifices all other considerations to it, becomes well nigh omnipotent. The politician has far more fear of it, far less power to mislead it, than he has in the presence of the vacillating opinion of a much greater number of good citizens. He pays a deference to determined evil which he does not concede to unorganized righteousness. The politician looks downward, not upward, for his clews of conduct; and he adds the lessons of experience to a constitutional tendency to underestimate moral forces. This was well illustrated in the case of the Bennett Law in Wisconsin. Neither party, so far as its political leaders were concerned, cared to insist on adequate English training for the children of the State. The moment an opposition was developed which threatened a loss of power, both parties were equally glad to relegate into forgetfulness the troublesome issue. The only difference between them lay in the quickness with which they executed their manœuvres.

A spirit of concession in making laws is sure to be accompanied by a spirit of negligence in enforcing them. The party in power determines how far a law which awakens opposition shall be enforced. One interest is conciliated by putting the law on the statute book, another interest by leaving it inoperative. The mayor and police of a large city are the real legislative body in reference to all laws in restraint of popular vices. They

compromise the matter, finding their political profit, and not infrequently their personal profit, in selling out the law. Government thus becomes, not an execution of righteous law, but a shrewd, corrupt management of conditions in which this is only a single item.

In a democracy which has fallen into the hands of political leaders the administration of law becomes a most deceitful and misleading process. Instead of being a government of the people, by the people, for the people, it becomes a government of the politicians, by the politicians, for the politicians—their power retained by a perpetual barter with the most vicious and the most aggressive classes in society. Government by the people does not mean that a fraction of the people obtains its wish, but that the interests of the people are widely and wisely adjusted to one another under sober, deliberative methods. Vigilance, eternal vigilance, counsel, ever-returning counsel, are the only safe-guards of liberty. Political parties, as permanent administrative bodies, are in direct conflict with these conditions of a free government. They thwart counsel and render vigilance nugatory.

The remedies lie in personal independence, in the purity of elections, in breaking in every way and at every opportunity the fixed methods of the machine. There is only one remedy for bad government—manhood. A political party, as a self-perpetuating organization, is a contrivance to subject the community to every interest, high or low, that is clamorous and strong. Citizenship, the honors of citizenship, the obligations of citizenship, must stand with us for more than hitherto, if by means of it we are to win good government. A degraded citi-

zenship, degraded in those to whom its chief duties are committed, degraded in the manner in which those duties are rendered, degraded in those who marshal the people for action, means degraded government. Secondary evils are capable of correction by a transfer of allegiance, but any important political object which neither of the two parties is willing to entertain can be secured only by a reformation of parties. This the politicians can successfully resist, unless one or the other party has become thoroughly demoralized.

CHAPTER IX.

INTERNATIONAL LAW.

§ 1. THE widest social relations lie between nations. In earlier periods the normal condition was one of hostility. Amid war and constantly shifting conquest, few international customs could spring up. The interest in behalf of which these laws have chiefly arisen has been commerce, and the enforcing idea has been the fitness of the custom. In no direction have economic motives and moral motives wrought more concurrently in social construction. The laws of nations have no direct sanction, and sustain themselves by an appeal to the sense of right. Whenever, as in the wars of Napoleon, the temper of conquest is revived, these laws are extensively broken down. The extension of one faith, Christianity, to civilized nations, and the permanent limitations which have been put by common consent on conquest, have concurred in giving a permanent group of nations, with relations favorable to treaties, to well-defined principles of action. These principles, generally accepted, become international laws.

They aim chiefly at two things, first to reduce the causes of war, restrain its expression, and limit its evils. Commercial relations are accepted as the permanent state, and are set aside only in the actual presence of belligerents. The second purpose has been an extension in each nation to the subjects of other nations of the

*§. 311.
§. 313.*

Lines of Law

- 1. Peace.*
- 2. mutual protection.*

safety which belongs to its own citizens. Thus the conditions are secured for that interchange of products, that personal intercourse, that communication of intellectual impulses, which make all nations partakers in one development.

§ 2. War, which has been from the beginning an expression of national life, and at the same time a severe limitation upon it, becomes increasingly a barrier to progress. Though it works less devastation, it imposes heavier burdens. The struggle has taken on a semi-industrial character, and is not so much settled on the battlefield as in preparation for it. At no time hitherto has military service reached so many citizens, or brought with it so extended taxation as now.

Sociology, while fully recognizing the constructive part played by war in human history, cannot fail to see that it thwarts incessantly the social forces now unfolding. The extension of social life among men as necessarily excludes war as does the organic life in the body drive out disease. The influences which are to carry peace with them are those which have already put powerful restraint on war. The industrial, commercial temper is opposed to war. The masses of men have few interests, and few passions even, which are gratified by war, especially in its modern forms. The dangers and hardships are too great, the conflict is too remote and impersonal, the feelings sacrificed are too extended and tender, to make war palatable to the middle classes. In the degree in which men by industry, by concurrent labor with other classes and other nations, secure a comfortable footing in the economic world, are they unwilling to sacrifice their most habitual sentiments to the

unfruitful passions of war. In the degree in which a prosperous people shapes its own policy will it be averse to war. This was seen in our own country in the reluctance with which we entered on the Civil War. It is also seen in the deaf ear we turn to the claims for an enlarged army, an improved navy, and increased fortifications. We are content to take the chances of the future rather than to burden the present perpetually with the losses of war. We have confidence that a peaceful temper will maintain peace.

The growing moral sense of men works in the same direction. National prejudices are reduced, national pride becomes less exacting, and the range of obligation is enlarged. The sympathetic, the altruistic, temper is opposed to war, and opens the mind to the full force of those sound reasons which make against it. This tendency is visible in the comparative ease with which arbitration is secured. As the Christian temper comes to understand itself, it will feel that peace on earth, good-will among men, is its primary proclamation.

True culture is productive of kindred results. The most constant provocation to war is the outlook which military men take of the world. The world is, to a man whose training and sense of power have lain in the conflict of intellectual and brute forces, primarily a place whose possibilities and suggestions lie in the direction of war. Why should this boundary be left undefended? Why should this advantage be let slip? Why should this and this liability to attack be allowed to accumulate? Prudence, safety, prosperity, hinge on the chances of war. Culture more and more drives out this phase of thought. The struggles of war are less

interesting and more revolting. Society passes on into an intellectual life, and gathers into it many interests, many pursuits, which war confounds and scatters. The Elysium of the spirit ceases to admit the tramp of the war-horse. The mind understands how many things are bruised and irretrievably destroyed by it. War is the intoxication of animal spirits, and men grow more sober, more humane. They deal with forces of a more subtle, spiritual order, and find more adequate ways of expressing them. They do not care to see the cruel strokes of war cut through and thrust aside the delicate web of social ties. This is seen in fiction and poetry that are discarding the coarse passions of the battle-field. War, like military dress and military parade, is losing its appeal to our sensuous nature.

These better sentiments, which carry us beyond war, are aided by its excessive burdens and the entire lack of any limit. The crushing debts of Europe, the taxation incident to these debts, the growing demand for military service, which most hate, the constant annoyance of a dreadful possibility, unite to destroy the fascination of war. Endless invention is forever undoing its own advantages. It is equally impossible to go forward and to stand still. The nations are in a treadmill which imposes upon them most fatiguing and unremunerative labor. The position is becoming as absurd as it is unbearable. If Europe could secure an assured peace for ten years, the blessings of life would be immensely multiplied. The endlessness of the labor and the futility of the outcome cannot fail to make themselves felt.

The increasing destructiveness of war and its rapidity of movement give rise to a sense of helplessness and

terror which is wholly diverse from the earlier fascination of personal power. Courage, endurance, strenuous effort, may avail nothing. Men are unable to measure the forces let loose upon them, and become frightened children in their presence. To confront them quietly demands a stolidity more and more foreign to our civilization. A nation is unwilling to risk a sudden, fearful, and remediless defeat. The accumulated dangers of war, pressing heavily on the rank and file, at the same time leave them less and less of personal prowess and responsibility. The mind is not braced against danger by its own exertion. Guidance is with the few; the many endure an extreme pressure which they cannot modify, and often fail to understand. War appeals less and less to the brute passions and powers of men. Its slaughter is remote, mechanical, repulsive. Men are expected to show courage with less activity to call it out; insensibility, with no vantage ground of excitement. Progress in the immunities and humanities of life renders us constantly less inclined to the irrational and cruel waste of war.

War has been the school of certain virtues — courage, obedience, self-sacrifice; but these virtues are now fairly implanted in human character, find better forms of expression, and assume in war an extreme and frightful expression. All the better impulses, ripened in our social development, are uniting to exclude these international conflicts, and to extend the permanent, peaceful growth of the race over these waste spaces of war. Sound international law is the highest achievement of our spiritual nature, the rounding out of our social life into a perfect sphere.

PART IV.

ETHICS AS A FACTOR IN SOCIOLOGY.

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CHAPTER I.

NATURE OF ETHICAL LAW.

§ 1. ETHICAL law is, in an important sense, the sum of all knowledge; all knowledge gives the conditions of conduct, and is harmonized in conduct. Ethics treats of the laws of conduct. Conduct is the action of a rational being in the exercise of his reason. The laws of Ethics are those principles of action which a reasonable being assigns himself in the use of his powers. Ethics has a theoretical and a practical bearing, which are inseparable from each other. The principles of conduct admit of an abstract statement and give rise to deductive conclusions; but these wait to be confirmed and modified by experience, and owe their ultimate force to the life which expounds and fulfils them. Ethical principles are like light, which gains diffusion and color from the atmosphere in which it moves and the objects on which it falls.

= morals?

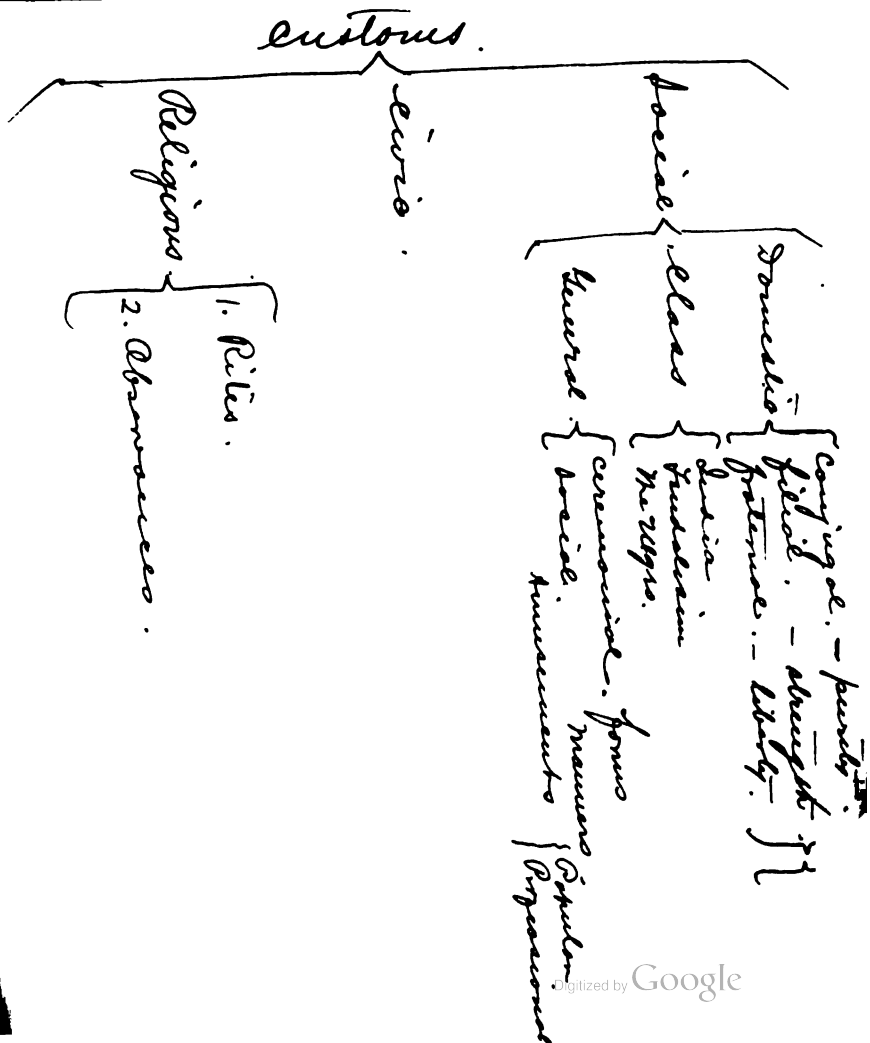
The ethical law is discerned and enforced by the individual. So far as a line of conduct is imposed on one by others, it loses ethical character. This character is imparted by the insight and acquiescence of

the mind which receives it. In the measure in which men are a law unto themselves are they ethical beings.

Ethics is the central social science, because it recon-

call out in constant interaction the intellectual vision and the emotional response. The excess of either results in miscarriage. The ethical growth of society is one of convictions and sentiments.

There are two views of our moral nature. One view looks upon the moral law as a primitive product of natural perception; the other, as an inductive law, the



call out in constant interaction the intellectual vision and the emotional response. The excess of either results in miscarriage. The ethical growth of society is one of convictions and sentiments.

There are two views of our moral nature. One view looks upon the moral law as a primitive product of moral perception; the other, as an inductive law, the fruit of the widening experience of the race. In either case, it is the most absolute and universal of laws, the product of our highest insight, or our most universal experience. The two theories coalesce in the view that the law, as a law, is given in the insight of the reason, but that the facts which call it forth, expand and correct it, are those of daily life. The law thus becomes the summation of perceptive power and acquired knowledge. Not to feel moral law is not to recognize the drift and organic force of cosmic events; is not to see the movements by which a nebulous spiritual world passes into the kingdom of heaven.

§ 2. There are three somewhat distinct fields of moral action, — our personal life, our social life, and our religious life. The central field, in connection with which alone the other two can be interpreted, is society. Our personal virtues, as courage, temperance, chastity, find expression in our relations to our fellow-men. Religious duties are rendered to and with our fellow-men. "Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me." The love of men is the only adequate proof of the love of God. Evolutionary ethics insisting on altruism is, under another terminology, the command, "Thou shalt love thy neighbor as thyself."

1.
2. Ethics.
3. Religion.

p. 33. In Sociology we have occasion to trace ethical law as the one comprehensive law by which other laws are built together in society. It becomes analagous to what we term life in the body, the plastic force which builds the body up as one whole, its members in mutual subordination and ministration. Customs undergo constant reconstruction by virtue of increasing moral insight. They supply the inevitable, half-instinctive terms of provisional order, giving the moral reason time for development. Customs able to maintain social life are the soil in which the germs of reason are planted, are matured, and to which they return. These customs, perpetually corrected, become the "social tissue" in which the vital force abides. As the organs and organic tissue of the body are the basis of all further physical development, so customs are the permanent tendencies in which the gains of the moral reason are laid down and inhere.

p. 119. § 3. When we come to Economics, the relation is somewhat more complex. Here we meet with distinct impulses, assuming definite lines of action, that play an important constructive part in society. These impulses claim a certain field of their own, and yet are to be pervaded by and harmonized with other tendencies. We are thus compelled to understand economic laws, the order to which they give rise, and the relation of that order to society as one whole. The relation cannot be that of an independent part. The view which gives complete authority to economic laws breaks up society, and renders its collisions irremediable. Society must shape to itself, to its higher and conjoint uses, the several subordinate tendencies which are at work within it. The engineer understands the laws which govern his

engine, but under those laws he assigns it purposes wholly his own, and provides the conditions of their fulfilment. We cannot define prices otherwise than in an open market, a market which embraces and reconciles all the facts. But it remains for us, as men and citizens, to determine how far, at any one moment, prices are the product of an open market, and how far we shall accept them as a final expression of our obligations. Price may suffice to define what is our own, but does not suffice to determine what we should do with our own. The line between justice and benevolence is drawn in part by economic forces, but good-will at once takes its departure from this limit. It breeds confusion to call that benevolence which is simply justice, or to claim as justice that which is of the nature of benevolence. The grounds of wise and humane action are in this way lost. We cannot be benevolent till we have first learned what is just. Justice is our starting-point, but it is only a starting-point, and we must be constantly passing from it into good-will. Economics gives us, in the matter of values, skeleton relations, which we are to clothe with flesh and blood, and fill with vital power. We must know our beginnings in order to begin, but we must go beyond them, or as beginnings they come to nothing.

We are bound to aid others in securing a footing under economic laws. We accept the laws, but the conditions of their wholesome operation still remains to be provided. It by no means follows that these laws, because they are laws, are in full operation, or, being in operation, are working prosperity. This is the fallacy of the forgetful. They assume that given transactions, in form commercial, have come fully under commercial law, and

are to be accepted in their results. The engineer is not so unwise. He knows that the laws of mechanics may bring him evil, as well as good, if not watched over. Men believe in the freedom of contract. They do not stop to ask whether that freedom was real or merely formal.

The laws of Economics are not framed in reference to personal wealth, but in reference to collective wealth. Its laws are laws of production, production as one aggregate. It inquires how men without theft, without trickery, without ignorance, aiming at the largest returns, will shape their action toward each other. It is honest action, action in the light of all the facts, that it contemplates. It takes no part with the cheat, with any man who crowds his fellow off from an economic footing, or who deals with him when he has fallen as if he were still on his feet. Looked at in any other light, Economics would be a science of chicanery. Herein is a great limitation. Men assume all the while that it is no part of their duty, in a business transaction, to see whether those with whom they are dealing are able to act under the laws of Economics, or whether those laws are, in reference to them, in suspension; whether the conditions of a wholesome economic transaction are simply assumed, or actually present. This disregard is not respect for natural law, but simply indifference to it. It is a mere subterfuge to suppose economic laws in action when ignorance or extreme poverty has suspended them in whole or in part. He who justifies his conduct on the plea of an open market, must show that he is in an open market. Economic harmonies turn not on the fiction, but on the fact, of such a market. If a

protracted sweating process has reduced the needle-women of a great city to absolute want, then those who buy services of them at nominal prices cannot plead, in justification, economic laws. Economics contemplates a free play of productive forces, possibilities which secure this play, not a dead-lock under the tyranny of bad social conditions. A machine must be tested in motion, not with the brake on.

We thus see how impossible it is for good men to separate economic laws from social states, and plead them as final and self-sufficient principles. The wholesome operation of economic laws must turn on the social conditions with which they are involved, and these conditions are in part determined by those adroit business men who are seeking their own profit in connection with them. It is the preliminary duty of every good citizen to see that the economic principles of which he proposes to avail himself are in fair and full operation. It is no part of his privilege to take advantage of their absence for his own gain. Such acts bear to Economics the same relation as do theft or violence. The great civic duty which one owes to society of diffusing everywhere intelligent, active power is antecedent to and accompanies every righteous appeal to economic law.

This brings us to a still more comprehensive obligation. We are not simply to base our own action on economic forces, nor merely to aid others in planting themselves side by side with us on these same forces. We are to see and accept the fact, that these laws, when operative, are at work in conjunction with ethical and spiritual laws, and are submitting themselves to that interlacing organic force which unites all in the public

welfare. It is the office of the ethical sense to harmonize conduct, to establish society as a complex, fruitful whole. In this subjection of parts to each other, economic action must accept limitations from other social relations as well as bring limitations to them. All traffic lies between men, and men have other powers and other sentiments than those involved in values. No rational act can be allowed to escape the overruling rational relation. If any one act is regarded as final within itself, another and still another may be so accepted, till the unity of our rational life disappears. Moral action is not one portion of conduct, lying side by side with other portions, it is the overruling law in all action, the tone and quality of manhood. Even a ball cannot be flung into the air without beginning at once to combine, in its movement, diverse and far-reaching forces. If we take such a fact as the growth of population beyond productive resources, we shall find it primarily an ethical problem. Let ethical principle have scope, and a rapid increase of population will be accompanied by a still greater increase of production. Let moral quality wane, and the same, or even less, population will begin to be straitened. We cannot assign population a numerical expression, and production a numerical expression, and so affirm a want of equilibrium between them. The world is so bountiful under generous handling, and so miserly under mean handling, that the equilibrium is one of character and not of quantity. It is the ethical key that unlocks the store-houses of nature.

We are also bound to see that economic laws presuppose and rest upon ethical ones. Economics discusses

not personal, but collective, production ; not the profiting of the individual, but of the community. Its underlying impulse is self-interest, not selfishness. It traces the productive power of self-interest in the acceptance of common laws and common limitations, in the pursuit of common ends. It excludes selfishness, the claiming by one what is not allowed to another. The principles contemplated are applicable irrespective of persons. These principles receive form in reference to the largest general production. Economics inquires into no man's individual wealth, and teaches him no methods of enlarging it which are not common to all. Self-interest is a just impulse, morally harmonious with the interest of others, and Economics does not allow it to break bounds and pass into selfishness. The simple fact that the thing aimed at is the aggregate wealth, and that the laws laid down are in reconciliation of the interests involved in its pursuit, removes at once all collision between Economics and Ethics. If Economics truly harmonizes its own laws, Ethics can but accept that reconciliation. Competition, as an economic law, is not a resort to all means of outstripping another ; it stands for the best exercise of our own productive powers with the advantages thereby accruing to us and to others. Much that justifies itself under the name of competition is as foreign to economic, as to ethical, law. Competition leaves every man in possession of his best powers, and affirms that the social adjustments which accompany this liberty are, all things considered, the most desirable. This law justifies personal injury no more than standing in one's own place involves crowding another from his place.

Economics presupposes equity. It excludes theft, fraud, deceit, because they, one and all, limit production. Knowledge and virtue, understanding the facts and regarding the facts at any moment present in production, are the presuppositions of Economics. Any want of either is in suspension of its laws. Economics rests on contract. Contracts can be successfully framed only in connection with a clear view by both parties of the facts involved in them, and a virtuous determination to meet the obligations imposed by them. Ignorance and dishonesty are alike opposed to contract. Wisdom and good-will are the atmosphere in which contracts thrive.

Men see that commerce excludes violence; they do not see as clearly that it excludes all overreaching, all perversion and repression of its own forces; that men must stand as honestly with each other on the facts as in Ethics itself. All that furtive measures secure for one man at the expense of another is secured at the cost of production, as certainly as when one is robbed. All the growing complications, extensions, personal dependencies, and harmonies of production must support and be supported by the ethical laws which knit men together, or they are wholly insecure. The massive building no more presupposes the firmness of the earth beneath it than does the superstructure of commerce imply integrity in men.

Economics discusses values in exchange, without stopping to inquire whether these values owe their purchasing power to wholesome or unwholesome ministration to the desires of men. It is not, therefore, indifferent to this relation. It passes it as too remote from its

line of inquiry. It assumes that the gratification of human wants is a constant and desirable object, and leaves the exceptions to be made good in physical and spiritual hygiene. If Economics extends itself to consumption,—properly a department of morals—it will insist that values in exchange and values in use must correspond, or exchange will increasingly lose strength. The underlying assumption in Economics is that they do correspond. This coincidence is incipient in the interests of men, and goes on to be completed in their conscious action. Desires are rooted in real wants; these are their starting-points. If reason goes astray in guidance, to that degree it perplexes and baffles trade. The laws of production cannot widely and permanently separate themselves from ethical laws; if they do, they will not be grounded in thrifty human life. The coping must correspond with the wall on which it rests.

The relation of Ethics to Economics is summed up in the fact that the highest law of harmony in society is ethical law, and that all minor harmonies must be embraced in it. In whatever way Economics ministers to the welfare of society, it must do it in submission to the most comprehensive expression of that welfare. This expression is what we mean by Ethics.

§ 4. Ethics has been limited more absolutely and with less reason in its application to Civics than in its relation to Economics. It is possible to look on Economics as made up of natural laws sufficient unto themselves; it is hardly possible to regard civic laws in this light. The voluntary element is conspicuous in them, and comes up constantly for judgment. Yet the maxim,

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"My country, right or wrong," has been something more than an unwise expression of patriotism, and has to many minds justified itself as a principle of action.

Lord Lytton, when installed as Rector of the University of Glasgow, said: "Public morals are a branch of prudence rather than of Ethics. Justice alone of private morals finds place in public morals, and this in a different form, as moderation, kindly prudence." The reason of this reluctance to extend moral law to public relations is found in the superior weight of public affairs as contrasted with private ones, in the nearness of national interests to each nation, and in the feebleness of international sympathies. Men's minds are not broad enough for the considerations involved in national morality. They accept the interests nearest them, in oversight of greater interests a little more remote. The short-sightedness which blinds us in personal action blinds us still more in national action.

The absoluteness of the state in its own field, and the urgency of the dangers which press upon it, serve also to draw its attention to what is immediately possible, in neglect of ideals. Statesmanship is regarded as pre-eminently a practical art, an art at short range. Moreover, the obligations of states take effect only in the consciences of rulers, and rulers do not entertain the question of duty in quite the same way when discharging a delegated trust as when dealing with personal concerns. The conscience of the state acts more remotely, more obscurely, than the individual conscience.

Yet ethical law is entering more and more as a ruling idea in all civic construction. Men feel called on to justify its absence in a general method or in a specific

case, and this justification is itself a recognition of the ethical claims. Rightfulness and Ethics are ultimately inseparable. Justice, which all admit as a supreme civic virtue, renders itself increasingly in ethical terms. The safety and liberty of the citizen are hedged about as the stronghold of his moral personality. The equality and sacredness we affirm at this point rest on moral grounds.

When some new national policy comes under consideration, it is, as in the slavery controversy, very likely sooner or later to involve an appeal to "the higher law," the ethical law. As ethical principles are themselves framed as permanently harmonizing all interests, no civic adjustment can be adequate and final which does not concur with them. As a matter of fact, moreover, ethical laws are forcing their way into public acts. The relations of citizens to each other are discussed under these ideas; constitutions, like the English Constitution, are surrounded by customary notions, whose force is due to the sense of safety and good order they inspire; international law is the extension of obligation as well as of interest — the two are inseparable — into the relations of states to each other. Its force and its sanctions are chiefly moral. There can be no limit to this movement, no break in it. The power to begin is the power to end.

§ 5. Justice, the ruling civic virtue, embraces two ideas, — a concession to the individual of all rights not inconsistent with the public welfare, a concession of the same rights to all persons under the same conditions. The notion of equality in method is the popular and conspicuous part of the idea. The guidance of civic

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action exclusively by its own overruling idea, the public welfare, is its very substance. Law and the administration of law are just when all interests are submitted, in one temper, to the public welfare. This attitude is a purely ethical one. The possibility of the reconciliation of all interests in the common interest is the ethical postulate.

Justice does not express an unchangeable relation, but one ever adjusting itself anew to varying circumstances. The powers and rights of the citizen alter with the growth of the community, and must be measured at their immediate value. This fact goes far to exclude any conception of natural rights, the same under all circumstances. Public, like private, virtue calls for a diligent inquiry into the variable facts with which it is dealing; it aims to secure an immediate equilibrium between the actual and the ideal.

Justice is so supreme in the state, not because it, as a virtue, has any different claim from any other virtue, but because it is the virtue more immediately associated with the functions of the state. It is the office of the state to preserve and enlarge the rights of men in respect to each other and with each other. To do this is to do justly. Hence justice, in public morals, expresses the fulfilment of function.

§ 6. The fundamental postulates of justice in the state are :

1. Each citizen is a primitive unit of the same order with every other unit; Each citizen is in possession of his own personal powers, to be used and developed under common conditions. The welfare of the state is the aggregate welfare of its citizens, and finds no other expression. The personal liberty of each citi-

zen is to be reconciled with a corresponding liberty in every citizen. Such a reconciliation is possible, and is the basis of ideal justice. All collisions are partial, and can be overcome in the progress of events. These postulates are the basis alike of good government and sound morality. Diversity of powers, of opportunities, and of relations, does not militate with the essential equality of rights. Justice does not stand for absolute equality, but that equality which the public welfare allows. Inequalities are constantly changing terms; equalities are ever-present, overruling ideas. The notion of equality is an exceedingly variable one, but never a visionary one. Like justice itself, it is ever before us. The equilibrium of society lies between the two tendencies on either hand, diversity and identity.

§ 7. The relation of Ethics to Civics lies first and chiefly in the development of this notion of justice. Justice in the state applies only to the more open, urgent relations between man and man. It touches the duties we are prepared to enforce by sanctions. There is a much larger outside sphere that is left to the moral sense simply. There is a critical discussion constantly going on as to what duties ought to be transferred from the outer moral sphere to the inner civic one. As the relations of men increase in volume, some of them assume new importance, and are ready to take the form of civil obligations. To forbid this transfer, when it becomes fit, is to check the conditions of growth. The legal nucleus of imperative obligations becomes too weak to sustain the complex and voluntary relations which gather about it, and rest back upon it. If the rude and the negligent are not restrained in unreason-

able trespass, they, and not the more progressive, set the standard of public order. Yet to impose unneeded or premature restraints is a trespass on individual liberty. The extension of police law becomes a delicate question of justice.

The relation of the two spheres, personal morality and civil restraint, is subject to constant variation. Civil restraint, wisely applied, at once limits and enlarges personal liberty. It is a serviceable test of the soundness of law that it confers more liberty than it takes away. Thus the prohibition of the sale of intoxicating drinks is a commercial restriction, but it confers on the entire community an immensely overbalancing gain in power. One may liken the growth of civil law to the extension outward of some form of centrifugal life, as that of a lichen. The original centre becomes relatively dead; the vital activity is in the circumference. This is constantly appropriating new areas. The earlier injunctions of law become, to the mass of citizens, accepted customs, ethical commonplaces. It is only to some debased form of manhood that the penalty for theft remains a living motive. It is along the border, where civil law is taking on new forms — we will say in limitation of fraud — that the social moral conflict is active. If civil law cannot make men moral, it registers authoritative lines along which they are becoming moral. When a duty is transferred from the outer sphere of individual enforcement to the inner sphere of law, the fact shows that the community, as one whole, is passing the line between seeing a public duty and rendering it.

The extension of civil law is coincident with the extension of the moral sense; and the moral sense, in turn,

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gains by each wise prohibition. The law follows up and makes general primary moral gains. There is always a percentage of recalcitrant ones, and also a percentage of persons who identify the moral and the civil standard of obligation. The general, the better, conscience of the community thus takes effect through law; the ranks are closed up. It becomes the office of justice, in view of the public welfare, to decide when the community is prepared to advance, when it will gain in power by a new restriction. This adjustment of the dividing line between law and liberty involves the most vital discussions of our social life.

§ 8. Benevolence simply is a private, rather than a public, virtue. It is constantly restrained in the state by the necessity that action should have reference to some ulterior, and not too obscure, public gain. It can hardly become that spontaneous impulse which bestows favors because they are favors. The ruler is dealing with the resources of others, and bound down to the law of economy and prudence. Yet good-will is so stimulative a moral force, so corrective of evil, that many public functions cannot be well rendered without it. While benevolence in the state cannot be allowed to propose any one of its ulterior ends, it may well give tone to their pursuit. The criminal, the impoverished, the ignorant classes, are all measurably open to good-will as a redemptive tonic. The action of the government toward them must have something of the generous force of an ethical impulse, or it will become barren. Men cannot act successfully on men except within the circle of manhood.

§ 9. Ethical ideas take effect in the state through in-

dividual action and the individual conscience. Better impulses take possession of public servants, and are expressed by them in connection with public interests. There are two forms of this transfer, that which belongs to the citizen, and that which belongs to the ruler. Both citizen and ruler interpret and administer public obligations. It is quite as difficult to secure a recognition of public duties on the part of the citizen as it is on that of the ruler. His failures issue also quite as much in limitation of the public welfare as do those of the ruler. The two become inseparable.

It is the duty of the citizen to cherish a liberal idea of the state and of the scope of its functions. A magnifying of the state was a distinguishing virtue of the Greeks, and one fruitful of great results. It is a virtue associated with those periods of development in which the state is the bulwark against barbarism, in which decay follows rapidly on anarchy. In our time a pursuit of liberty within the state tends somewhat to antagonize us to the state itself. We are disposed to assign it a narrow and mechanical function. We need to conceive the state as the most comprehensive and permanent organization among men. It gives the moral, social atmosphere in which all other organizations thrive or languish. The ultimate expression of all social life is the kingdom of heaven. The most intelligible and distinctly defined terms in this kingdom express themselves as civil law, the obligations made binding on all. The state gathers up and defines the primary terms of order. All other organizations thrive under its shadow, like flowers in a forest, tempering without extinguishing the light and heat.

The citizen is also to cherish a large idea of individual life, as the final expression of the prosperity of the state, as the fruit of the tree. The state, narrowing the lines of action below, will open them out above in wider activities, nobler liberties. The state is not the ultimate product, but the citizen; the citizen is the test of the state.

The equilibrium which it became the duty of the citizen to maintain is that between the centripetal, organic force of the state, and the centrifugal, specializing power of the individual. It is the duty of the state to give the conditions of progress most universally favorable to the life of its citizens. Liberty wars against liberty, the liberty of a king against the liberty of his subjects, the liberty of a class against the liberty of other classes, the liberty of a pursuit, as commerce, against the liberty of other pursuits. It becomes the function of the state to weigh one with all, all with one, and reconcile them in a higher harmony. The good citizen will stand in awe of those deep-seated organic forces which are truly cosmic. He will strive increasingly to understand them, and work with them. He will be quick to check an exacting personal liberty, and to restore those forms of personal liberty suffering from its exactions. He will look upon crime, pauperism, degradation, as having a double origin in personal perversity and social negligence. He will try to correct them in both directions. He will work with vital forces till, by means of them, he shall win the kingdom of heaven.

§ 10. The socio-ethical law will rest on the ruler as a man, and as a ruler. As the obligations of the ruler

arise so directly from the position he occupies, many are willing to regard them as acting in suspension of personal duties. But the moral law never becomes fragmentary, or allows itself to be used in a divisive fashion. The ruler, in framing law, is under obligation to frame it in view of the public welfare comprehensively considered. The danger of a policy, such a policy as that of protection, is that it shall move as a perverting misdirecting tendency among these universal interests. The legislator thus loses his way amid a mass of conflicting claims, and finally does he knows not what. The secret of success in dealing with vital things is quite as much in holding one's hand aloof, as in using it.

So also law is to be administered with distinct reference to the public welfare. Law owes its beneficence as much to the spirit in which it is applied as to its own wisdom. The entire force of a strong moral manhood is demanded to crowd into the background those manifold considerations which are constantly coming between the law and its faithful execution. It is this fact which makes a man's personal morality, his personal force, as significant as his recognition of public relations. Something of this atmosphere of obligation has been gathered about judicial action, but very little of it about legislative and executive activity. We do not order an election as we order a judicial process, and we order, as we have seen, a judicial process under narrow and technical terms that often completely miscarry, not under a shift, comprehensive sense of obligation. We have more faith in a mechanical method than in a living man.

The ruler is called on to cherish a conservative tem-

per. It is his particular duty to defend and develop existing institutions. He cannot abandon them readily. Revolution is intrusted to others. It is his office to watch over the laws in their own lines of growth. In doing this the ruler must recognize the organic force of society, its ability to propose and pursue new objects. The enlargement of its life is the enlargement of law. The ruler must apprehend, therefore, the relation of existing institutions to the possibilities which lie nearest to them. The statesman may have the inferior power of so measuring forces as to know when resistance is safe, and when it is unsafe, or the superior power of encouraging or repressing movement as it lies, or fails to lie, in the line of progress. His insight may be merely empirical, or it may be profound.

It may be thought that what has now been said is a purely ethical disquisition and not a social discussion. The fitness of it rests on the idea that the constructive life in society is essentially the moral reason; that the harmonizing, germinating impulse in society is germane to the moral reason; that the moral impulse guides civic action, limits economic action, reshapes customs, and itself receives the full force of those personal incentives that are expressed in religion.

PART V.

RELIGION AS A FACTOR IN SOCIOLOGY.

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CHAPTER I.

GROWTH OF RELIGION.

§ 1. RELIGION may be defined broadly as a belief in a spiritual world. Any recognition of supersensuous terms in our lives is of the nature of religion. Religion, in its development, simply expands, corrects, and systematizes these beliefs.¹ The religious force in society has moved through a very wide scale. Human action is constantly altered in its lower as well as in its higher forms by dealing with impalpable spiritual forces. The shifting forms of these beliefs, with the phases of action which have followed from them, constitute an important part of history.

The simplest expression of supersensuous influences is fetishism, the ascription to physical objects of forces in no way based on experience. Man interprets the world by his own confused consciousness. As he possesses qualities not sensuously discoverable, it is easy for him to ascribe like powers to other objects. So

¹ "Genesis and Growth of Religion," S. H. Kellogg, lecture i.; "Natural Religion," Max Müller, lecture ii.

strong is this personifying tendency that science, even, when it firmly sets itself against it, is constantly speaking of nature, and natural law, and natural selection, as if they were distinct entities at work in a way of their own in the world. Indeed, the sentence just closed offers a familiar example. Science is spoken of as doing this and that, when science is nothing more than an abstraction. Nor can it be said that this is mere language; it is both thought and language.

Thought, gaining more coherence, begins to separate the physical from the spiritual world, and conceives the latter as occupied by good and bad spirits, not directly associated with any form of matter. This is the stage of polytheism. The world seems full of conflicting tendencies, and the conflict is thought to have a double form. It offers itself in physical things and in spiritual beings.

So this reference to a Supreme Being not more unite the world? the appearance?

As men come to apprehend the world more perfectly, the unity of it is more apparent. This unity is referred to the creative power of a single Supreme Being. The minor conflicts which remain unexplained are ascribed to a want of pliability in material things, to the unconcessive temper of men, to subordinate evil spirits, to the justice of God not wholly reconcilable with his love. The Supreme Being, so conceived, is separable from the world — outside of it.

Still further knowledge discloses the coherence of the world within itself. The wisdom of the world, the goodness of the world, are seen to be involved in the world itself, to be indistinguishable from its original structure. We have no dead matter built into a world; we have only the world itself, an ever-renewed

expression of living, constructive forces. The wisdom of the world abides in the world, as thought abides in language. The moral discipline of the world is part and parcel of its history, as deeply associated with its sufferings as with its blessings. Rational evolution in man stands correlated with physical evolution in the world, and suffers no abatement or loss by it. The love which is locked up in evolution, whose expression is an ever-enlarging spiritual life, is complete. The love of God abides in all the terms of life, because they are terms of life. God and God's wisdom and love are immanent in the world. The world is the ever-renewed product of his life. Spiritual evolution becomes the ruling, explanatory idea. Darkness is endurable because it is ever breaking away before the growing light.

At this point the interpreting conception divides. We may make matter in its methods, or mind in its methods, the ruling notion. If we make the material movement the significant framework of things, the rational movement becomes a by-play, less and less important, till it disappears as a controlling idea. We reach Pantheism. The gist of Pantheism is that physical causes enclose all things. God as a personal being is but a personification, a gratuitous power we put back of a material movement forever enclosed within itself. Monism, united to empiricism, lead to this issue. Matter becomes a monogram whose form and law are ultimate.

We may, true to the tendency which has led us to this point of division, true to the tendency which puts force back of material phenomena, life back of living things, spirit back of thought, thought back of expression, regard the world as the product of a rational, personal

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life, which sustains it and transcends it, as every creative idea runs with and in advance of its own products. This is Theism, an interpretation of the world on the side of mind, the faithfulness of reason to itself as the only ultimate light of all things. This view is monistic only in that it leaves mind back of all things. It recognizes being, expression, as necessarily dualistic.

§ 2. Whichever of these opinions and shades of opinion we may take, the relation of the visible to the invisible remains a most fruitful term in social development. This very evolution of spiritual ideas has been a primary and most productive form of intellectual activity, and, from the beginning, a ruling force in social relations. There has been no more simple and certain test of national character than that of religious conceptions.

In the wide sense we have given the word, religion has been an inevitable and universal impulse among men. In the presence of so large a fact, it matters very little whether, in every obscure form of human life, we can or cannot trace its germs. The errors, superstitions, vices, which have attended on, and attached themselves to, this evolution, disclose the bad conditions under which it has taken place, not any falseness or futility in the movement itself. This has been cosmic.

There is a way of looking at these complex results by which we ascribe half the evils of society to religion, since the two have been bound together in the swathing bands of the childhood of the race. In the same fashion we could ascribe all tyranny to government, all error to knowledge, all vice to virtue. In every case the inner life relieves itself but slowly from the integuments which enclose it, and this with violence and decay. The criti-

cism and agnosticism of the world have themselves been the product of the primary movement of belief, and have, in rapid sequence, given occasion to some better, purer form of faith.

§ 3. The later developments of religion lie in the direction of more just, ennobling conceptions of God, and of our relations to him. These are the product of our most comprehensive grasp of the universe, physical and spiritual. Whatever we find involved in the highest forms of wisdom and power, that we transfer to the Divine Being. A travelling toward God is a travelling outward into the physical and the social world, and upward into the intellectual and the spiritual world.

Two terms, personal power and physical power, supernaturalism and naturalism, struggle for reconciliation. Ethical impulse and physical law, a world of mind and a world of matter, wait to be united in our conception of the being and government of God. This is the highest moveable equilibrium in our lives. If we give chief weight to personal quality, the world becomes for us fitful, supernatural. This is the earlier tendency of faith. If we give our first attention to the magnificent march of events in the midst of which we are, then the government of God sinks into an impersonal fatality. This is the later tendency of physical inquiry. If either one prevails to the exclusion of the other, we lose the real power of the world about us. We sink into nothingness alike in the presence of unlimited supernaturalism and unlimited naturalism.

The two tendencies, personal and physical, coalesce in Supreme Reason; personal, flexible within itself, because it is reason; impersonal and permanent, because

In this the origin of the idea of God?

it is ever passing into action. This double life we also share. Our thought must be free, our act must be fixed, or each loses its own character and its relation to the other. Wisdom and power are united; wisdom that is a law to itself, power that fulfils all that is committed to it. The world reveals the personality of God — it does not contain or measure it. Creation is creation only because the Creator transcends it. Things maintain this rational character only by dualistic relation.

? { Consistent monism would be as ruinous to thought as would be the arrest of motion to the material world.

It is the ethical idea primarily that helps us upward toward God. If God is love, then he has the liberty and the largeness of love, and all events will become more and more the expression of that love. Evolution does not bear down the divine love, but it bears it on. Reason, the centre of personality, pushes forward under its own constructive impulses toward a universal, purified, spiritual life. Things remain fixed, yet in continuous flow, that they may minister to persons, self-impelled and divinely impelled toward the growing light of a divine life.

§ 4. The great difficulty which this view of God encounters, and which holds it back so long from acceptance, is that the world does not minister as uniformly and universally to happiness as we think it ought. But this obstacle also finds explanation under the evolutionary idea. That which is being evolved is spiritual life, strong within itself, instructed in righteousness, and watchful in the entire field of physical, personal, social phenomena. This evolution, turning on the tardy processes of consciousness, and the still more tardy events

of the social world, must be painfully slow. All events do minister to knowledge, and, through knowledge, to virtue. Virtue climbs into authority, though with much confusion of thought and many backslidings. If every step is to be taken toward the light, and be taken by all, then the time requisite and the needful variety of events must be accepted. He who finds fault must show a more speedy method to the same result. The reconciling idea is spiritual evolution. All things work together for good for the children of God. Manhood, as a commanding achievement, is indigenous to the world. Abundant proof can be brought to this statement as an empirical fact. Those whose lives have been immersed most deeply in the spiritual events of the world are most convinced of its truth. If happiness is deferred to character, character commands happiness. We save our lives by losing them.

§ 5. This spiritual growth is a true evolution. It is at one with an evolutionary world. -It is also the most comprehensive form of evolution. Every lower form, physical, biological, gives it its terms. The successive phases of spiritual life are distinct advances on the past, and are a preparation for all that lies beyond them. Evils, transgressions, sufferings, are no objections; they are simply the unformed material with which, and through which, the work goes on. These losses are no more disturbing than delays in physical construction, than the waste of life rising into life. They are more unbearable only because they lie along the path of a superior progress. They get their darkness from the light with which they are associated. The entire movement is more strenuous, because we are passing into a region of

grander relations. We are not to disparage this creation because it is a costly product, because that which is high and wide discloses the depths on which its foundations rest. If our minds are deeply occupied with building a spiritual universe, one purifying every man, embracing every man, the time will not seem unduly long, nor the methods unduly stringent, nor the labor unduly severe. We shall learn to enjoy the good of each transition state. We shall not be as the impatient amateur, who demands the immediate completion of his pleasure-grounds, but as the wise horticulturist, to whom the process is as interesting as is the conclusion.

An ethical intelligence, disclosing broadly and deeply the forms and issues of conduct, will, in this spiritual evolution, be the ruling idea. It is not happiness as a fact, — least of all a passive, sensuous happiness, — but happiness as the fruitage of power, the product of insight, that is the fulness of life; and to this happiness spiritual intelligence is the intervening term. First well regulated power, then the felicity of power. Attention is transferred from a product to an achievement, from an accomplishment to a movement. The winning of power and of pleasure become inseparable. The spirit is drawn into, and keeps pace with, the activity that delights it. There is no room for weariness or satiety. Physical, intellectual, social laws lie beneath man as things knowable and manageable; they lie between man and God as revelation, incentive, reward. Spiritual development goes forward first as form, then as color; first as knowledge, then as pleasure.

The solution of life comes to us theoretically and practically as one indivisible product. Knowledge be-

comes empirical in the strictest meaning of the word. The path we travel is disclosed to us as we pursue it. The pleasure won gains constantly by the winning. The satisfaction of the mind is within itself, and can be successfully opposed to all the inadequacy of the world elsewhere. Righteousness becomes a living experience, which does not look beyond itself for justification. The intuitive and empirical elements involved in it mutually satisfy each other.

The chief field for this development is society — spiritual life built up between man and man, as language, as civilization, as art, are built up. The evil and the good are disclosed in conduct. Here their innumerable fibres find suitable soil, and their affluent branches room. It is men who call out and reward the affections; and between the pure alone can these affections be pure. Each personal gain becomes a social gain, each social gain a personal one. Men are capable of communal salvation only. The outward world which gives gracious reception to spiritual activity, and turns it back on itself with a blessing, is the social world. All must be redeemed as the condition of the complete redemption of any. Whatever delays and limits the growth of society, delays and limits the growth of each man in society.

The ultimate authority in this evolution is the evolution itself, the rational impulse which flows from it and flows through it. The Divine Reason is disclosed in this movement, and human reason, catching this light, becomes full of light. As all things come more and more to express the mind of God, men come to share this mind. Events resolve themselves into the kingdom of heaven, and men cease to feel the need of searching for anything more.

§ 6. Religion is a primitive, potent organic force in society. No customs are more pervasive or binding than religious customs. The religious sentiment has more often than the civic sentiment been the ruling force in shaping nations. A formal separation of the two has but just commenced. Religion, like race and language, has followed in the very stream of life. The followers of Islam, Russia and the Greek Church, Latins and the Latin Church, Protestant nations and Protestantism, all express ruling differences in national development. Any deep social temper, as thrift in Scotland, liberty in New England, is sure to be associated with some striking phase of religious life. The religious impulse also sends forth, from time to time, some special impulse, like Methodism, Tractarianism, Mormonism, working extended changes. Civic institutions, when they have separated themselves from the religious temper of the people, have been little more than a grinding, levelling physical force. Religion, when it has not been a supreme helper in building up the state, has not been an inert, indifferent element. France, in its expulsion of the Huguenots, and in its present hostility to Catholic faith, is a witness to the social force of the religious life.

Religion offers itself under a great variety of forms, all of them inadequate in different degrees, but all of them closely associated with some phase of social development. The apprehension of spiritual things, starting in a most rudimentary way, has been obscure, extravagant, and inadequate. Religion is no more ideal than knowledge, art, civilization. The latest, as well as the earliest and most perplexed, development of

thought, it is necessarily subjected to the largest variety of error. Experience can advance but slowly in this obscure region. Gross mistakes attend on development, yet mistakes that are not wholly erroneous. There are a large exclusion of the least fit, a slow inclusion of the most fit. The less spiritual conception is driven out by the more spiritual. Conviction, persuasion, gain ground on compulsion. Inherent ethical law replaces positive command. Naturalism subdues supernaturalism to its own temper. The sense of development takes the place of that of completeness.

The steps are partial, all inevitable, all in a measure good. The corrective force of growth is an essential part of growth. The egregious faults of religion come to be faults chiefly by being disclosed in the clear light we have attained through them. It is the backward view, not the forward view, that repels us. The great embarrassment in this divine unfolding has been the effort in men's minds to make each position final. Religious truth greatly suffers from the force with which men assert it. The determination to take a given step is the determination that it shall be the last.

There is a constant change in the relation of religion to society. It starts in authority. It rules by fear and by reward. Superstition carries with it severe restraints. The medicine-man is not easily resisted. The theism of Israel rested on the acceptance of God as a ruler, punishments and blessings turning on obedience. When the sense of good-will displaces that of authority, it often remains a beneficence that makes terms with its subjects, and turns into anger if the conditions are not complied with. The impulses of

conduct are not purely moral; they are governmental and moral. The old remains, and mingles with the new.

Only slowly do we come into possession of the inner completeness, adequacy, coherence of the spiritual world — obedience and disobedience, pleasure and pain, reward and punishment, working together to instruct the spirit and carry it forward into life. The mind of God, pushing in all things everywhere toward his creative purpose, is the solution to which we move but tardily. We can conceive his action more easily in narrower ways.

Reason ceases more and more to be a law laid upon men, and becomes a law springing up within them. The world less and less needs the correction of supernaturalism, more and more feels and rejoices in those orderly impulses which lie compacted together in naturalism.

The intolerance which goes with authority, which men have felt toward the foreigners, the trades from abroad, the unbelievers and the misbelievers, passes into the tolerance of growth, a free traffic of ideas by which men grow rich in knowledge. When men accept the wisdom of God as a revelation, an evolution, they thrive with each other and borrow from each other. Life ministers to life, not as stationary, but as constantly passing into something higher than itself.

There is a tendency in every form of faith to degenerate, a tendency that is escaped only by evolution. Earlier ideas exhaust their power and are not replaced by new ideas. A doctrine vigorously put, like the dogma of faith by Luther, corrects certain faults, brings in certain needed compensations, then, in turn,

discloses its own partial character, and calls for a second upheaval. The first one or two centuries exhaust the conquering life of almost any creed. It then becomes an indurated bond, that must in turn be broken. God renews his seeds in nature every year. There is not a church of any considerable age that does not show the lapse of life. The growth of faith is by new points taken beyond the prescribed limits.

Rites, expressive in themselves and capable of giving direction and discipline to the lives they embrace, settle down into ecclesiasticism, into self-sufficing method, and so lose in large part their ministration. The spiritual life, like other forms of life, exhausts its soil, wears out its type, and renews itself only as it takes part in the march of life.

To meet this decadence, there is also in faith an ever-renewed reformatory power. Fresh minds are touched in a fresh way by truth; out of the contact comes new dogma. Collision follows, measured in violence by the energy of the new and the inertia of the old. The strife is no greater than the conditions call for, and the power generated expresses itself in the next phase of progress. Those drenched by the pouring rains do not see how fast the clouds are driving by; men worried and perplexed by the passion of debate do not feel that the contention will pass by, like thousands of others, and leave the atmosphere deeper and clearer than before. The human mind is like a malarious soil that cannot be broken up for new crops without encountering the decay of old ones. Men are so fearful of the new, because it seems ready to exclude the old. They become hospitable of progress when they discover that it fulfils

the old in the new, and carries the two forward in a higher service. Life becomes increasingly conscious of itself, less instinctively afraid for itself, and gains a comforting sense of its own power.

§ 7. Besides the direct development of religion with society, by which the two, with mutual illumination, pass into superior forms, religion acts on the other organic forces at work among men. Customs, the instinctive emotional ties which lie just below reason and are built upon by it, receive much of their binding force from religion, and are reshaped, though very slowly, by it. There are no customs more tenacious than religious customs. This tenacity is due to the strong, yet obscure, feelings which give rise to them and to the extent to which they rest on social contact. Men hold their religious feelings more than other feeling in common. The beliefs out of which they spring are communal possessions. Even the taciturnity of the religious life makes for its uniformity. Men receive direction in common, and think, so far as they think at all, along the familiar ways. Religion, in connection with customs, greatly increases the coherence of society. Thus the democratic temper, which is native to Christianity, has been powerful in the entire history of Catholicism, and that, too, in spite of its own hierarchical form.

Economics turns on the exchange of services between man and man. Religion does much to modify and soften this intercourse. Men cannot labor with each other and for each other, they cannot combine and divide and interchange their services, as simply intellectual automata. Self-interest cannot remain the

coiled spring at the centre of life, exclusively impelling actions and relations so complicated as those of commerce. The motives of religion are incommensurable with those of the market, and they cannot but modify them. The religious impulse accepts far too readily the economic relation, but it does something to relieve it. The vine climbs over iron bars, and covers them with its leaves.

A similar service of faith is more marked in Civics. It is the office of the state to cast up around the national life barriers of defence, and to establish within it the most essential terms of good order. Religion strengthens national sentiment, and softens domestic asperities. It is present in the new relations that society is constantly taking on, to give them extension on the spiritual side. The religious sentiment ought to be, and in a measure is, the architectonic temper of the world. The scope of the relations it contemplates, the development constantly going on in its own conceptions, fit it for this office. The most comprehensive, the most exacting, and the most sympathetic ideas are with it.

As a matter of fact, religion is at once the most conservative and the most radical of forces. Christianity, with all its aggressive claims, has yet wrought more frequently for the preservation than the progress of society. Professor Clifford spoke of Christianity as "that awful plague which has destroyed two civilizations, and has barely failed to slay such promise of good as is now struggling to live among men."¹ This feeling arises in forgetfulness of many things: that the

¹ "The Claims of Christianity," W. S. Lilly, p. 232.

conservatism of religion inheres in the slowness of movement in the human mind; that this conservatism, like other forms of conservatism, is the coherent force of society — a force not too great for the service it has to render; that the movement of mind, if it is to be universal, profound, and permanent, organic as well as rational, cannot be much accelerated; and that religion itself furnishes the most potent correctives of its own evils. It is not a little strange that those most warmly committed to an organic evolution of life encounter it in the spiritual world with the least insight into its conditions. The language of Professor Huxley is more appreciative: "I have been seriously perplexed to know by what practical measures the religious feeling, which is the essential basis of conduct, was to be kept up." This language combines two incompatible things, at least for an evolutionist; the necessity of certain ideas, and their fallacy. Religion, like other vital products, must be left to unfold within itself along its own lines. We can alter it only by taking part in it, by fostering its own forces.

Religion, gaining freedom, becomes a most potent force in civil freedom. The energy of its own life carries liberty in all directions. Religion retires more and more from the surface, mingling its own commands with the commands of the state, and discloses, as an inner spiritual light, the scope of safety within and beyond the state. Men come to see that higher duties are ever springing up between them, and that these bring with them improved forms of the organic law of the state. The religious sentiment lies at the centre of social growth. It does not suffer us to feel that any

obligations are complete, any failures final. It keeps before us an ideal of the largest, and of ever enlarging, dimensions. It becomes inseparable from the fullest affiliation of life with life, in reason and in love.

The relation of religion to Ethics has been obscurely conceived by religionists and moralists alike. Ethics, as the inherent law of conduct, is the constructive plan of God in the world. Religion awakens and develops those sentiments which are needed to sustain the moral law, make it "a thing of beauty," "a joy forever." Ethics is correct drawing, religion exquisite coloring; they are the form and the force of the same thing, perfected spiritual life. Morality affirms complete lines of conduct; religion gives ease and joy in pursuing them.

The effort to separate Ethics and Religion brings, in Ethics, cold, formal obedience; in Religion, blind and wayward service. Ethics and Religion are vision and joy in one spiritual world; the overflowing fulness of perfect action sustained by the overflowing fulness of imperishable love. Morals naturalize Religion, and Religion gives a supernatural extension to Morals.

The agnostic exhorts us to struggle for the "synthesis of humanity." If love is the inner law of the world, this synthesis is possible; if it is not, it is impossible. But if love is the inner law of the world, then there is a universal Spiritual Presence, on whose potency all progress is resting.

The religious life, expanding outward under ethical law, becomes the fulness of all life. A state religion, save in the earlier stages of development, is a blunder, is leaven laid on the surface, not hidden in the three measures of meal. There is no adequate growth in

society, growth that can hold the ground that it wins, save in the ethical, spiritual temper. Here alone social life finds itself. The unbeliever may discover the inadequacy of the old relations; he cannot, in unbelief, replace them by better ones. It is new truth which captures the mind, and sends it forth with a gospel, gathering to itself great multitudes. The history of the world has been a history of religion, and the crudity of the forms only shows how rudimentary the impulse still is. Science has altered, will alter, religious conceptions; but each alteration will give them new scope.

We may conceive this evolution of society under religious impulse and ethical law as fundamentally rational, or we may look upon Religion as adding overwhelming motives in a process which would otherwise have miscarried.¹ Orthodox faith and social theories may concur in assigning Religion an outside, constraining force in progress; but both, in so doing, greatly reduce the rationality of the world. They bring to the world interventions, and do not suffer it, under its own creative impulse, to reach its goal.

Religion does, in its incipency, take on an external, constraining force; but this passes away as it masters its own life. The religious temper, in its ignorance, evokes fear, is swayed by fear, and finds it a means at hand for swaying other minds. The organic force begets the fear more than the fear the organic force, and the organic force in due order corrects the fear. The motives change with the insight. Religion is fruitful in incentives, and the incentives are congenital with its existing form. The creations of faith are like the mythical

¹ "Social Evolution," Benjamin Kidd.

inhabitants of an unexplored continent, they act on the imagination of the explorer, and give place to appropriate facts as discovery advances. A movement that is out of darkness into light, cannot be rational in the same way as one which takes place in the light alone. What we affirm is that ignorance, in the deep, wise movement in which it is embraced, constantly leaves behind its own perversions, and by means of them passes beyond them. Religion owes much of its supremacy as an organic force to the fact that its conceptions are indigenous to the intellectual soil out of which they spring, and change with the conditions which enclose them.

The incentives of religion find their full extension in the doctrine of immortality. Immortality, as a belief, becomes ultimately the self-assertion of spiritual life. It finds nothing beyond the spirit to confirm it. The spirit will not let it go; it is wrapped up in its powers and aspirations. The inner life fearfully dwindles without it. Spiritual life is a bud, is but a bud, hence immortality. Immortality is the promise of immature life, the evolutionary promise of the world. The future is for us in the potentialities of the present. Here, in the soul of man, is a supreme potentiality. Whosoever liveth and believeth in me shall never die.

One consideration is made to reduce this conviction. The immortality that evolution implies is of society, not of man. Here again we come on the organic force of things. Society, as one whole, cannot be perfected otherwise than in and by its units. An evolution that flings away its successive achievements would grow increasingly futile, increasingly unbearable. Every gain

in every man emphasizes the need of immortality as the summation of his hope and of all hope. There is nothing achieved by society which is not achieved in and for the individual. The argument grows as men grow. Society maintains its movement by virtue of the incentives which lie treasured in each mind. These personal powers fulfil themselves at their own centre, they are not transferred to other centres. A certain immortality falls to society because of the grand quality of its constituent elements; if society forever wastes away in each person its collective glory ceases, its despair becomes greater at every step. It is in the individual soul that life, as unexpended power, asserts itself.

There is an immeasurable accumulation of motive in the doctrine of immortality. It is the tap-root of social life. Whatever the passing hours lack of spiritual motive is won from the future. Life nourishes itself from within, feeds itself on its own faith, and in due order the external world accepts and falls in with the commanding impulse. Immortality is the force of fulfilment in the will of man of its own life.

§ 8. The immediate service of the pulpit is the articulation, the rendering into appropriate beliefs, rites, activities, the faith present among men. The dogmas and observances of religion, rendered by any community of men as they are able to render them, are so many stages in the upward trend of thought. The spiritual life is nourished by them as that life is, and so is made ready for the next phase of growth. The preacher does ← not so much shape current belief, as he is shaped by it, giving it extension and emphatic utterance. As the religious life calls for the encouragement of suitable

ordinances and fresh expositions, the preacher is a permanent part of our social, spiritual discipline.

The more difficult duty falls to the pulpit of extending and making more rational religious ideas. It must bring forth things new as well as old, watching over the passage of the old into the new. The highest function of the pulpit is to lead in spiritual evolution, to feel that the mastery of faith lies not chiefly in exposition, but in revelation; not in resistance, but in guidance; not in the thing done, but in the thing to be done. As our social life becomes more pervasive, it takes to itself many new interests. The pulpit must bring the dogmas of faith into close contact with events for their government. It falls to the pulpit not merely to touch politics in its discourse, but everything which is a constituent in the kingdom of heaven. The right of spiritual ideas is a growing right.

The preaching which gives clearness and force to truth in all directions will be more and more impersonal, not a pushing of man by man, but the impelling of each mind by its own convictions. The silence enjoined on the pulpit has often been only the assertion of one's right to think and act for himself. It has been accompanied with a concession of "thus saith the Lord," in a limited field. Neither the exclusion nor the concession is just. One and all must stand with the truth in its narrower and in its broader expression. No man is prepared to preach the truth till his movement of thought in its presence becomes free, varied, impersonal.

The independence of the pulpit is of that absolute character in which it shakes itself loose from advocacy, from authority, and leads the listeners deeply into their

own thoughts. The pulpit, expounding for men the spiritual movement among men, must hold the world at arm's length, scan it closely, and render it in terms of the kingdom of heaven. This function so transcends the best achievement of man, that it always leaves the soul full of aspiration. The effort is a new one, and a nobler one, in each generation. The growth in the power of the pulpit means the growth, at large, of the religious life. The pulpit will become empty only as faith and spiritual truth perish.

CHAPTER II.

SOCIOLOGY AND EVOLUTION.

§ 1. **SOCIOLOGY**, as its drift becomes more apparent, will unite itself closely to philosophy and history. It will be seen to be an evolution that gathers up and completes many other forms of progress. The notion of evolution has been by far the most stimulative idea of our time. It is an assertion of the universality, the continuity, of knowledge. It involves not only a dependence of each event on a previous one, a connection of each event laterally with all other events; it implies a supreme movement which draws all events into itself, as a river its tributaries. Evolution cannot complete itself save in one comprehensive result. So far as any events fall off or become immaterial, the impelling idea has lost them, and they lose themselves. Movement becomes aimless, insignificant, retrogressive.

An evolution in society is the only evolution sufficiently comprehensive to gather up and guide all other lines of force. Social progress, therefore, above all other terms of knowledge, gives completeness to our thought. Evolution, as an idea, seeks extension with the same vigor with which it seeks reorganization. One movement must embrace and expound another, and all must become parts in a more comprehensible conception. Without this we lose again the notion of all inclusive, causal relations. Evolution in society, between men as

lifted into a higher spiritual value, is evidently the only term which can combine and complete all other terms.

This development involves both increments and determinate direction. It is not a revolution in which identical parts pass through a circuit of positions; it is not a kaleidoscope in which mere motion calls out changeable patterns. Such conceptions leave events aimless, and so render the lines of causation which unite them meaningless. The world, as one whole, is, like each living thing in it, subject to a plastic power getting to itself new possibilities, issuing in more complex and complete combinations. The movement, however, is truly evolutionary, as each stage and every increment find their significance in previous stages and increments. The web is unbroken, the coherence is vital.

§ 2. Development in society involves the possibility of indefinite development in man. It assumes that man has not exhausted his physical or his intellectual or his spiritual powers. The spiritual terms carry with them the physical ones; the body can and must keep pace with the mind. There is at no point any indication of any inability to go farther. The spiritual affections, the wise and just sentiments which unite us to our fellow-men, are plainly incipient. We are only finding the field which lies before them, not reaching its limits.

Social evolution also postulates the possibility of indefinite progress in society. It assumes that there is, at bottom, no clash of interests; that existing difficulties are the result of deficient knowledge, defective feeling, and may pass away. They are simply the chaos that evolution is to rule into creation. There is no real, no

permanent, self-sacrifice in progress. The well-being of all means the highest well-being of each. We save our lives by losing them. Those who doubt individual development often concede social development. Yet the second conception involves the first. Society must win its perfection through its constituents. The value of the units measures the collective value. It is by the possible gains of men in and with each other, that immortality becomes a rational hope.

Social evolution also postulates a movement in the physical universe, concurrent with and supporting the spiritual development. The not-ourselves must make for righteousness. The spiritual world could not resist a determined separation from itself of the physical world. Art, as an intellectual inheritance, is made possible by works of art, art that has found its way into the physical world and made of itself visible and permanent presence. The spiritual world, though built up between man and man, finds its terms of expression and power in a physical world shaped and reshaped to its own ends.

One other postulate among these already great postulates is, that a Spirit of Truth calls out, makes increasingly conscious and concurrent, these upward tendencies. That which is revelation without is inspiration within. The good is not unknown to itself, it is self-contained. A world of things is co-ordinated with a world of thoughts, and there is a universal Presence of Truth of which we are partakers.

§ 3. Is there anything in history to justify these postulates, and the expectations which follow from them? The physical world is most plainly submitting itself,

with startling concessions, to the hand of man. His powers are not embarrassed by the paucity, but by the wealth, of means. It is hard work to bring men up, in their moral tone, to a wholesome use of the gifts of Nature. We have armed hate and anarchy with weapons fit only for archangels. The means of welfare accumulate in our hands; we have a growing vantage in reference to the future; we have storehouses of all sorts, physical and intellectual, filled with the fruits of the labors of those who have gone before us. Each generation leaves a better world than that into which it was born. We disguise this fact from ourselves by ignorance, by a querulous temper, by an indolent hope which neglects its means of fulfilment; but it remains as the most certain general affirmation we can make about the world.

Personal power thrives under the discipline of the world. Some doubt this. Personal dimensions seem to have dwindled. The picturesque contrasts of society have disappeared. Greatness, like an abraded monument, has been softened down. Most of these impressions are superficial, the lack of spiritual perspective. The average man is the point from which all our measurements must be taken, and this point is one of growing elevation. We have no reason to doubt that out of a stronger spiritual soil will spring men, not perchance more controlling, for control is a question of relative strength, but of equal and superior magnitude to those who have preceded them. There are lives among us that enlarge our sense of manhood. What we have lost is scenic effect, and this in behalf of inner power.

At no one point has the loosening of bonds, the gains

of vital force, been more conspicuous than in religion. If there is less implicit faith to-day, estimated in reference to any one creed, there is far greater faith, evidenced as an independent hold of many minds on spiritual truth. Much that passes as unbelief is belief of a higher order. Men have achieved the spiritual world as an open field, where ideas hold an uninterrupted way, as never before. This is simply saying that evolution is taking to itself room. There is enough in these considerations, taken collectively, to compose and assure the mind, though it starts out with a sense of loss and danger.

§ 4. We turn to the laws of spiritual growth. We understand by a law a line of action arising under a single force, or a combination of forces. The lines of movement in society are the result of very complex causes, the equilibrium of many conflicting tendencies.

A first law in society is that the relations of men one with another become ever more complex. This is true in the household, in the community, in the nation, between nations. The integration of life is much dwelt on by Spencer; the integration of society is equally obvious.

Man has the range of the globe as no other animal has it. He adjusts himself to all climates, and embraces, in his traffic, the products of all soils. The world is rapidly becoming a single market. One raises wheat; his competitors are scattered through the world. Each man must adjust his pursuits to all kinds of men and portions of the earth. The doctrine of protection is brought forward to shut out these disturbing forces, and it fails, because the causes it aims to affect are too

complex for it ; the results of its readjustments are not those contemplated.

The political dependencies of nations and races are constantly becoming more extended and various. The war between Japan and China, a century since, would have been a matter of comparative indifference to Europe. Africa was scarcely thought of, now it is the subject, in every part of it, of lively contention. The network of political dependencies has received a new cast, and fallen over the world. Yet these are but the beginning of more delicate relations.

The intellectual complexity of society is in advance of its physical complexity. Literature, science, art, are world-wide in their action and reaction. They reach backward along the entire historic path, and are ready to send a commanding flood into the future. The mechanical inventions, which give efficiency to men's thoughts, have brought the world into a narrow compass. The rapidity of interchange evokes in every man his best contribution to the common life, and makes him a full participant in it. The brain of man, a marvel of subtile dependencies, becomes a keyboard on which the whole world is at play.

The spiritual interactions and integrations are becoming alike numerous. This fact gained scenic expression in the Parliament of Religions. Each faith had something to say in defence and attack ; each offered itself as a factor in the general result. Hard and fast lines are giving way, not, as we believe, in loss of outline, but in favor of more subtile, pliant, and comprehensive conceptions. It is not that all clouds, as so many obstructions, are to disappear in a clear, empty sky of belief, but that

storm clouds are to break up and float away, coming and going with a creative impulse all their own, and gathering and scattering light in many marvellous ways.

A special example of widened relations is offered in what we know as the emancipation of women. Primitive connections, resting largely on physical force, are giving way in the presence of intellectual and social impulses that call for wider terms of life, and will in turn reflect them back on the household and the community. The excellence of the movement is that it pulls down so much order to rebuild it into a higher order; that it starts actions and reactions which will work their way in all directions.

A second, closely associated, law, is that of increasing mobility in social relations. The more complex a social state, the more readily it yields to new conditions, and the more power it has to resist the destructive tendencies associated with them. A complex organization involves many points of contact with its environment, but also gives many points of reaction against it and with it. The more complex equilibrium has more resources of restoration, as when one walks a rope with a balancing pole.

Government is an illustration in order. The more fully the liberties of a people are expressed and protected, the more readily are new claims met, the more open is the state to those changes which anticipate revolution. The elastic body suffers less from collision than the inelastic one. The highly organized body of man is more readily acclimated than the less organized body of the animal; and the civilized man thrives better under new conditions than the uncivilized man. The greater

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the resources of a nation, the less is any one set of customs or circumstances essential. It is by virtue of this adaptability that the English colonize so easily in all continents. The more civilized the nation, the less it suffers from contact with barbarism. In religion, the purer the faith, the more readily it accepts instruction and makes concession.

An example in hand is the changed relations of the Southern States. They are not as fragile, as explosive, or as exacting as they were under slavery. All that is needful to make them thoroughly self-contained is a growing sense of justice. Under a reorganization of rights, the two races will correlate in more ways, coalesce in more interests, and render each other more service, than under the simple and, as it was thought, unobjectionable relation of slavery.

3 A third law, involved in the two previous ones, is that of continuity. It follows from the most inclusive of relations, those of causes and reasons. Geology among sciences owes its progress to the rejection of cataclysms, sudden and extended changes. The development of life on the globe is inconsistent with rapid and wide-reaching revolutions. Each new adaptation must have time enough for its full establishment. Even the purely mechanical changes which fit the world to become the abode of plants and animals are thwarted by the violent activity of fire and water. It is the slow weathering process and gentle transfer which make the earth soft in outline and fruitful in soil.

The law of continuity, though it may seem less stringent in the intellectual world, is hardly so, especially if we take men collectively. There is no basis for the feel-

ing that communities can be taught new truths at once. Revelation is bound down to the lines and movements of intellectual and social propagation. A knowing process is rigidly coherent; nothing can be omitted, nothing slurred. But emotional activity in a man, in a community, is still more coherent, looking for firmness and support in all directions.

The great man is far less potent than he seems to be. His words and ideas are ineffective, unless they are beginning to be shared by many. He is only the best expression of tendencies implanted in the public mind. He leads, because so many are ready to follow. The Christian faith has been in the earth many centuries, and it is as yet in the earliest stages of germination. Spiritual sentiments are subject to a close, interior dependence. Better feelings arise in conflict with inferior ones, and must have time to displace them. Ethical attainments are achieved very slowly. They imply a transformation of action and feeling and insight by which all things become new.

No one man can attain moral strength except in a community which gives extended and felicitous play to the affections. The vices and the defects of the men with whom he comes in contact subject him to constant limitations in the origination and expression of a true and large life. Its conditions are not present. It is from this fact, in part, that men have so often fallen into asceticism, a desertion of life, not a victory in it. Perfect physical health means universal health; perfect moral soundness means universal soundness, a full circle of wholesome relations.

No one nation can escape war while other nations

pursue it. Mutual disarmament is the condition of perfect disarmament. The virtue of one man becomes effective by means of the virtues of other men. It calls these out, and is in turn called out by them. Many most desirable expressions of good-will are not in order in vicious surroundings. The growth of liberty in England has become so complete because it has been so continuous and so comprehensive. Sentiments, customs, interests, have shaped themselves to it, and in turn sustain it. The violent changes that France has undergone make further violence imminent.

4. A fourth law is that every phase of movement involves the conditions of further movement — the law of increasing change. The social world even more than the physical world is in unstable equilibrium. While matter, by its mechanical and chemical properties, is tending to equilibrium, that equilibrium is constantly disturbed by the intervention of life. What may seem conflict between the two resolves itself into forward movement. The chapter of accidents is never at an end. A new condition resolves itself into a new impulse. Evolution goes forward by virtue of unceasing interaction, as the bicyclist encounters and triumphs, in rapid succession, over a series of possible failures.

Cross-fertilization in the vegetable world prevents a too stable equilibrium. Society is cross-fertilized, is disturbed from within and disturbed from without, and can settle down into no finality. Its own motion alters its terms of motion for itself, and for all about it. Every incentive encloses another.

This is seen in the rapidity with which faith is compelled to readjust its conceptions to bring them in har-

mony with new facts in science, in philosophy, in social life. Ideas are fertilized through the whole range of ideas.

Outer forces also break in on each social form that is settling together within itself. There comes a renaissance in which a bygone world, with all its mature seeds of philosophy and art, takes possession of a fresh soil. If a nation, like the Chinese, crowds out conflicting forces, and shuts itself up to its own retarded movement, there comes, in due time, some heavy shattering blow, which opens up afresh the whole problem. The Western world, forcing its way into Japan, has brought to it at once a new career. The social world, gaining in dimensions and interventions, is ever less and less exposed to the arrest of any partially stable equilibrium.

Destructive terms, like diseases, reach a crisis, and then make way for restored health. In Paris, where social forces are only too volatile, there is a tendency to a periodical accumulation of anarchical elements. In 1848 and 1849 some ten thousand anarchists were slain, in 1871 some twenty thousand, and now again they begin to gather. Evils give the occasion and distinct demand for better adjustments.

A fifth law, united in the same close way to previous ones, is that these changes lie, as one whole, in a definite, constructive direction. This is the law of productive change. In the plant and the animal, the sport that becomes the basis of a new variety does not represent an arbitrary change without significance in the structure as one whole. It involves subsidiary changes, and carries with it a more or less new balance of parts. It is a new phase of life. This is sure to be still more

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true in society, because the changes in society operate by a definite appeal to what is easier, more harmonious, or more just. The instincts and interests of man as a social being work together constructively, and come distinctly and increasingly under the shaping and reshaping power of reason. If through indolence or vice the social type becomes stationary, or falls back, natural selection acts against it with unusual vigor.

All reformatory movement definitely opposes itself to existing conditions, and overcomes them, if it overcomes them at all, by urging better relations. Each change becomes a series of changes, and reconciles itself thereby more perfectly with itself and with the demand. New ideas, like that of a "social contract," new theories, like Socialism, spring up with a distinct impulse, and, acting on the old terms of order, soften them and are subdued to them according to the fitness of their purpose. Any idea, moving in a medium resistful by custom, can come to pervade it only by some intrinsic force or sound reason that is in it. If causes measure themselves with causes, still more do reasons measure themselves with reasons; and a movement which embraces both causes and reasons is the more certain to find the constructive lines — the lines of least resistance.

6 A sixth law in sequence is that the entire movement will be increasingly synthetic. This is the law of unity. If we have close-knit lines of causation, coherent rational relations, we must have correspondingly comprehensive interdependencies. They can no more fail to act on each other, and so flow into each other, than they can fail to be continuous within themselves. Physical sequences cannot proceed side by side without a

series of actions and reactions which unite them in one whole; still less can intellectual and social relations. Thought is inquisitive and acquisitive alike in all directions; the feelings find their impulse in many objects. The only equilibrium possible is one which covers the whole field. With what outlay of labor, with what scorn of hardship, have men explored the world in its most remote parts; with what indefatigable inquiry have they pursued minute things that by means of them knowledge might be made more comprehensive. The discoverer, investigator, historical critic, scatter off into innumerable and remote fields, all under the one conviction that they shall return with some fresh constructive clews.

How futile have been all efforts to lay down a dividing line between faith and knowledge. The trespass is instant and mutual. The monist, not satisfied with a spiritual unity of ideas, seeks also an absolute unity of substance. Nothing is more conspicuous than the hasty generalizations by which men, often at fearful sacrifice of parts, strive to build their thoughts together into one rational whole. They cast and cast again the net of theory, long before it is large enough to sweep the waters before them.

Yet more tenacious of unity are the spiritual affections. Nothing which concerns goodness in any time, place, or person is alien to them. They are universal feeders in the spiritual world, and increasingly so as they discern how much more universal and variable a thing is a divine temper than they had first thought it to be. The affections have found their single synthetic impulse, love, and are now busy in unfolding its contents.

Each succeeding unity embraces and transcends each preceding one. Physical dependencies are caught up by the mind, turned into constructive ideas, and used as a further means of framing together the two worlds. The affections turn the unity of thought into a pervasive impulse of pleasure, worship, and love. Social unity brings all together, and by virtue of all builds up the kingdom of heaven.

The world is taken up more and more into a higher common consciousness — the higher the consciousness the more free it is to all — wherein the Spirit of Truth subdues all things, transfigures all things, and reconciles them all in a creation comprehensive enough to contain them all. The imperishable synthetic force of the world is the Spirit of Truth by which we are led into all truth — the coherent power of the world in which we are.

7 We may add another law, the final expression of all we have given. Development is a measured, rhythmic, accelerated movement. It is a measured movement, because only thus can every part be integrated with every other part. No energy is lost in the moral world. Each portion has a work of construction or correction, of impulse or restraint. The final equilibrium reckons with them all. No matter, in the physical world, how many are the mechanical and chemical forces at work, they are all represented in the ultimate product, and that product is reached with corresponding delay. Vital powers adjust themselves through many generations to given conditions, and in the meantime the conditions take on new change.

Men, as in the United States, suppose that free insti-

tutions will of themselves bring good government. They not only fail to do so, they give occasion to many new demands, and impose new duties, under the penalty of failure more signal than ever. In opening a path to power, the citizen falls at once on the new lesson of how to pursue it. We look to education to guide the people, but we discover immediately that education must take on new and better forms, or it leaves men astray in a wider field than before. Circumstances are always exacting newer and higher forms of obedience.

The movement will be rhythmical. Single ideas, single impulses, take strong possession of the community. Men entertain an exaggerated idea of the power latent in methods. The correction can be made by experience alone; and, being made, there is a reaction toward opposite beliefs. An army is disorganized by the haste of its own advance. A halt is called that order and discipline may be restored.

This rhythmical movement is very conspicuous in civil life. The England that beheaded Charles I. made a festive day of the return of Charles II., and a little later expelled the House of Stuart. The history of a hundred years was expressed in a rapid series of actions and reactions, and slowly passed into constitutional liberty. The French Revolution was followed by the Holy Alliance.

Catholicism had no sooner established a universal church, given definite form to the nations of Christendom, than the multifarious personal forces which had sprung up under her shelter broke away into the many, and oftentimes insignificant, schisms of Protestantism. A reactionary movement of reform swept through the

Catholic Church, and its unity was strengthened anew in Jesuitism.

Both ideas are now present in thoughtful minds,—the unity of faith and the freedom of faith,—the two demanding a higher realm of life. The correction of religious methods was impossible without the belligerent, half-blind action of Protestantism. So now through, and in a measure by means of, its rigidity of doctrine, we are emerging into a path larger, wider, deeper, than ever before. Ritualism followed Methodism because the mind of man cannot, as yet, keep alive any given ritual with a fitting spiritual impulse, nor express a living impulse otherwise than by a suitable ritual. We move forward by a rhythmical passage from the one position to the other.

The development is an accelerated one. The wider the spaces covered by it, the larger is the number of actions and reactions set up, each hastening the general movement. Moreover, this entire field and every part of it become more mobile by virtue of the changes already induced. It is earlier concessions that are expensive. If we look at the world of faith, we shall see that the changes in the past fifty years have exceeded those of many previous centuries, and that the ebb and flow of belief have become so constant as to excite but little attention. The irrational fear of any form of unbelief has passed away.

The danger which attends this facility of movement is that change shall become superficial, and not a safe propagating centre for subsequent changes. If this happens, the spiritual world begins to show the same law of atavism as the biological world, and comes to take up

again a blind persistency of belief as the only defence against meaningless modifications of faith.

The great advantage of any profound organic change, like the enfranchisement of women, is that, threatening many evils, it sets in motion many corrections, and carries its readjustments into the entire temper of society. The earlier steps are laborious, because so many ties begin at once to feel the strain; and some begin to cry out, This reform is against nature. But what at first seems to be mischievous is often found to be an essential part of the gain, new and better bonds taking the place of those which have been broken. A just movement carries itself forward by motives which it itself supplies.

The dangers alter as development progresses. In the beginning, the movement is intolerably slow; later it becomes dangerously rapid. It carries itself by its own momentum beyond the limits set for it. We think disparagingly of the man of one idea, when he is only patiently bestowing those repeated blows which carry cleavage into the heart of the rock. We accept more readily the later expounder of progress, though he is expanding the conceptions quite away from the facts which gave rise to them.

The phenomena of social and spiritual life are so much wider than our vision, that we are easily too sanguine and too despondent. It is well at times to think that the spiritual world can move much faster than it does move. The very thought helps to accelerate change. If, on the other hand, we become discouraged; if we look upon new supersensuous incentives as essentially alien to the ruling forces, as exceedingly disproportionate to their work, and often wholly futile, it is

because we have no adequate conception of the comprehensiveness and grandeur of a moral creation, of the many generations and the myriads in each generation who must take part in it, and of its profoundly vital character. The physical, the organic, and the spiritual worlds flow together in it, in it achieve an equilibrium of mutually corrective and sustaining forces, till the purpose of God becomes apparent in the kingdom of heaven.

A free people plays an important part in social development, not so much by presenting an example of well-ordered life under definite institutions, as in becoming the confluent centre at which physical, educational, spiritual forces meet and demand ever-improved relations. It falls to a free citizen to think and act in more directions, under more varied motives, for more comprehensive purposes, than to any other citizen. The accelerated movements of civilization overtake him as they do not another. He is pre-eminent by virtue of dangers and possibilities, by virtue of many liberated forces, which have been flung upon him and which he must help to govern. No doctrine is less becoming the citizen of a free nation than that of extreme individualism. Freedom is always granted in behalf of larger, more rational powers; and national freedom in behalf of collective, national power. In tyrannical institutions, we may neglect much; in free institutions, we can neglect nothing. The safety of freedom is won in freedom alone; and freedom for us as a people means freedom in the construction of our social life. These are the duties and these the lessons that are upon us. We have momentary occasion to ask, What shall we do? We

have no occasion to ask that something shall be given us to do. The accelerated movement of many centuries has overtaken us, and we are but partially ready for it, in earnestness of action, in comprehensiveness of purpose, in that self-negation which leaves us free partakers in large events. Nothing else so widens and deepens our life as a true outlook on society. Our liberty will subserve but a very inadequate purpose if it does not call out collective as well as personal power; if it does not hold the two in that organic equilibrium which implies growth and gives the conditions of further growth.

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